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THE

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CONDUCTED BY THE

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M.R.I.A. F.L.S. F.Z.S. Hon. F.C.P.S. M.Ast.S. &c. &c.

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EMINENT LITERARY AND SCIENTIFIC MEN.

History.

ENGLAND.

BY

THE RIGHT HON. SIR JAMES MACKINTOSH, M.P.

VOL. I.

LONDON:

PRINTED FOR

LONGMAN, REES, ORME, BROWN, AND GREEN,

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1830.

"Hence I, King Alfred, gathered these together, and commanded many of those to be written down which our forefathers observed — those which I liked, — and those which I did not like, by the advice of my Witan I threw aside. For I durst not venture to set down in writing over many of my own, since I knew not what among them would please those who should come after us. But those which I met with either of the days of me, my kinsman, or of Offa, king of Mercia, or of Aethelberht, who was the first of the English who received baptism, — those which appeared to me the justest, — I have here collected, and abandoned the others. Then I, Alfred, king of the West Saxons, showed these to all my Witan, and they then said that they were all willing to observe them."

Laws of Alfred,
Translated by R. Price, Esq.
(Not yet published.)

The
HISTORY of ENGLAND.

by

The Right Honorable

SIR JAMES MACKINTOSH, L.L.D: M.P.

VOLUME THE FIRST.

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H. Corbould del. E. Finden sculp.

MAGNA CHARTA.

London:
PRINTED FOR LONGMAN, REES, ORME, BROWN, & GREEN, PATERNOSTER ROW
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ADVERTISEMENT.

THE following volume is a part of an experiment to ascertain how far the most necessary portions of historical knowledge may, even in an abridged narrative, be rendered acceptable to general readers. Neither my habitual relish for English history, nor the hazardous honour of acting with such fellow-labourers, has blinded me to the difficulties of the attempt, which experience has shown to be more considerable than I apprehended they would prove. I need not compare the convenience of abridgment with the merits of circumstantial recital: both these sorts of historical composition have their use, and they must both always continue to be written.

On behalf of such sketches, I may venture to take it for granted that an outline may be useful as an introduction, and convenient as a remembrancer; that it is a particularly accessible manual for reference; and that it may contain all the information concerning the affairs of one people, which men of different pursuits, of little leisure, or of other countries, may think it necessary to have always within their reach.

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HISTORY

OF

ENGLAND.

INTRODUCTION.

At the dawn of history, the western countries of Europe were occupied by tribes, differing from each other in those circumstances of physical constitution, outward form, usages, and especially language, which, for the purposes of civil history, may be considered as dividing mankind into distinct races. To whatever causes, acting in the infancy of nations, and long before the age of record, these varieties may be ascribed, it is certain, that, in the course of centuries, the ties of descent and language may be drawn so close, that their lasting effects may be easily observed, although they are too variable and complicated to be capable of definition. Peculiarity of character is transmitted in families and in tribes: and the influence of kindred blood extends, though growing fainter as it is diffused, to nations, and to a race which may comprehend many nations.

When the Greek and Roman writers began to turn their eyes westward, they found Europe, from the farthest shores of Ireland to the banks of the Danube, peopled by a race called Gauls or Celts (or rather Kelts), who, before they were bound to the soil by tillage, had covered a great part of Spain by their armed migrations, and had poured predatory bands from their Alps into Italy, where they struck a blow at Rome, and stretched their lasting dominions to the Appennines.

They extended along the Danube, with uncertain limits, till they were met by the Sarmatians, Thracians, and Illyrians. Their expeditions, more of plunder than of conquest, were in general prior to the period of history, and we have but slender means of probable conjecture respecting their antiquity and extent. Some of their latter incursions or establishments in Italy and Greece are better known to us. A numerous body of the natives of Gaul, either of the Celtic, or Teutonic race, or composed of both races, deserted the bands of their countrymen, who ravaged Greece, and establishing themselves in Asia Minor, under the successors of Alexander, gave their name to the country, afterwards called Galatia. How far these wide-spread irruptions may, at different times, and in various proportions, be ascribed to the natural restlessness of such tribes, to the rapacity of their chiefs, and to the resistless pressure of invading barbarians from behind, are questions to which we have no means of giving a satisfactory answer.

The northern boundary of the Gauls, was in general the Rhine, which separated them from the Germanic or Teutonic race, who spread into Scandinavia, towards the last retreats of the Finnish tribes, in the polar solitudes, and extended, on the other hand, from the shores of the Atlantic to the immense plains of the Sarmatians and Dacians.

By the Garonne, the Gauls were divided from the Aquitanians, a people who appear by the testimony of the ancients, as well as by the names of the rivers and mountains of the Spanish peninsula, to have been its original inhabitants.* A small portion of that Iberian race, under the name of Ligurians, occupied the coast of Gaul from the Pyrenees to the frontier of Italy.

Greece, more near the earliest seats of civilization, was open to colonization and conquest from various sources, both by land and sea. Hence, perhaps, has arisen the difficulty, not yet conquered, of discriminating

* This point is satisfactorily established by the Baron W. von Humboldt, in his most learned work on the significancy of most names of natural objects in Spain in the modern Bask language. — *Berlin*, 1823.

the first inhabitants from the more civilized visitants, as well as of distinguishing the various bands of these last from each other.

Italy, accessible to colonists by sea, either from Greece or Asia, and always liable to the inroads of the natives or masters of the Alps, was inhabited by a greater variety and mixture of races than any other western region. Hence has arisen a confusion in the genealogy of its tribes, which modern acuteness and learning have only begun to disembroil.*

The colonies of Phœnicians, as far as Carthage and Cadiz, still encircled the Mediterranean. No Grecian colonists had planted themselves farther to the west than the prosperous establishment of the Phoceans, at Massalia or Massilia, which still flourishes under the little altered name of Marseilles.

It will be easily understood that in such times the natural boundaries of nations were often and irregularly changed. The course of migration was often diverted from its ordinary channels, sometimes turned back towards its original source. Races were mingled, so that the distinction became no longer discoverable. Of this confusion the Galatians in Asia, and the Keltiberians in Spain, afford notable examples. The Belgic people of northern Gaul have been thought by some to be a mixed race of borderers. It is certain that Teutonic tribes were generally classed among them, either from descent or from neighbourhood. Though the natural tendency of an unwritten language be to break down both into dialects, and afterwards into distinct tongues, yet it happens sometimes in peculiar circumstances, that languages originally different run into each other. At the opposite extremities of the earth, the Hindustanee and Anglo-Norman were formed out of jargons used in intercourse between the conquerors and the conquered. The victors have sometimes imposed their language on the vanquished with little mixture, as in some provinces of the western empire. In India, it now seems to be the prevalent

* Niebuhr.

opinion that the Brahmins, either by the influence of religion and learning, or by the power of arms, have deeply tinctured with Sanscrit all the varieties of Indian language which had sprung from entirely unlike and independent roots.

It may be convenient to warn the reader against confounding the signification of the term race in civil history with its import amongst naturalists. These last confine their view to the animal nature of man, and take no account of language or of minor and superficial varieties in the exterior. They admit at present only four* or five races of men; 1. Caucasian; 2. the Negro; 3. the Tatar; 4. the American; 5. perhaps the Malay. Colour they justly exclude from their test. But though the Negro and the Mongol differ much more deeply and fundamentally than the Hindu and the Arab from the European, yet those who grant that the latter difference is the work of physical causes, in a long course of ages, will find it hard to prove that causes more powerful, and acting in a longer time, may not have at length produced the wider difference.

These historical divisions of mankind are, by long separation, and by the natural divergency of language, broken into smaller subdivisions, not always corresponding with the political distribution of territory among nations. The same state contains many tribes of very various race. The same race is subject to many distinct rulers.

We are authorised by the decisive evidence of speech to conclude with certainty that the Celtic race is subdivided into two distinct portions at least, with languages which, though evidently derived from a common stock, are not reciprocally intelligible to the men of both branches. One branch of the Celtic, called Gaelic, is still spoken by the Irish nation, by the Highlanders of Scotland, and in the Isle of Man; the other is the common speech of Wales and Lower Brittany, and was within the memory of

* Von den verschieden Racen der Menschen, &c. Kant Vermisch. Schrift. ii. 607. 660.

man spoken in Cornwall; the common language seems only to differ in each subdivision by provincial variations. The Gaulish tribes are unable to converse with the Cimbric, yet there is sufficient evidence that the two languages are branches of the same family. Many circumstances combine to render it probable that the Cimbric followed the Gaulish settlers; and it is a specious and perhaps tenable supposition, that the former were the same Cimbri, who, in conjunction with their Teutonic allies, were expelled from the Roman territory with a slaughter so enormous, and after atrocities so unmatched, as to be suspected of exaggeration, very naturally, but not perhaps justly, if it be borne in mind that the adversaries of the Romans were not armies, but migratory nations, bringing into the field women and children, and fierce animals, who all contributed to swell the horrors of the butchery, and who first within the historic age taught the Romans to dread the arms of the northern barbarians.

Before we finally confine our view to the British islands, it is natural to premise a remark on the contrast between the character of the two potent races who unequally shared these islands and the adjoining continent. The superior importance of the Teutonic race, in our eyes, may be plausibly and in part truly imputed to the greater antiquity and obscurity of the Celtic contests with civilized nations, to the occurrence of these contests during the full vigour of Roman policy and discipline, to the fortunate position which reserved the Germanic tribes for encounter with the decaying powers of the conquerors, and to the lustre reflected on them by the success of their descendants, not only in conquest, but in art and legislation.

Much may be undoubtedly ascribed to all these causes. There are, however, marks of a deeply-seated distinction to which they do not reach.

The valour of the Gauls, their willingness to assist each other against foreigners, their vivacity and natural

capacity, are attested by the best observers of antiquity.* Cæsar himself does justice to the merits of these brave tribes, whom he subdued. They were far advanced in the arts and accommodations of life beyond their Germanic neighbours. This cultivation seems, indeed, to have been more conspicuous in the southern and eastern countries, influenced by the contiguity of the lettered and well-ordered republic of Massilia, as well as afterwards by the example of the Roman province, than along the frontier of the Rhine, or on the border of the ocean; yet the inhabitants of Franche-comté, of Burgundy, and of Auvergne †, in and before the campaigns of Cæsar, had in their turn been the leading nations of Gaul.

The unprejudiced and unaffected description of the Gaulish character and usages by that great man is not only an admirable specimen of his calm observation and simple elegance, but is deserving of the utmost consideration as a picture, by the hand of a master, of a condition of society which has been seldom paralleled.

"Among the Gauls‡, the multitude are in a state of servile dependence upon the equestrian and sacerdotal orders. Most of them, indeed, for the sake of exemption from taxes or deliverance from debt, or protection against danger, have enslaved themselves to the nobility, whose power over them is as absolute as that of a master over his slaves. The Druids have the care of education; they alone cultivate knowledge; they conceal from the vulgar the secret doctrines, in which their pupils only are initiated. Their sacred and scientific duties privilege them from taxes and from military service; they determine the greater part of litigated questions; it is their business to allot rewards and punishments. The party who refuses to abide by their decision is punished by interdiction from sacrifices, which disables him from public office, brands him as impious and criminal, and cuts off

* Strabo, on the authority of the philosopher Poseidonius, who had travelled in Gaul before Cæsar.

† Sequani, Ædui, Arverni.

‡ *C. J. Cæs. de Bello Gallico*, vi. 13. &c. He is represented as the highest authority on these subjects by the most competent of judges. "*Summus auctorum Divus Julius.*" Tacit. Germ.

his whole intercourse with his fellow-creatures. These powers are rendered more dreadful by the proneness to a dire superstition which taints the Gaulish character. All the political authority which such prerogatives in the priesthood suffer to exist, is exercised by a turbulent and factious nobility, whose constant occupation is to recruit and exercise their devoted adherents.

"The chieftain, or vergobret, has an uncontrolled power of life and death over all the laymen of his tribe. Their domestic life corresponds to their ecclesiastical and civil polity. Husbands have the power of life and death over their wives and children. At the death of a nobleman, if there be a suspicion against the wives, they are put to the torture as slaves; if they be thought guilty, after cruel torments, they die in the flames."

Most communities, in their advance from barbarous confusion, have, indeed, been unable to stop short of throwing all power into the hands of a single person. They are generally borne along by the impulse of flying from the evil which has been felt, and they acquiesce in an assumption of authority by the hands which alone afford them protection. But this progress is commonly slow, and nations are enticed into it partly by some proportional progress of the arts of life, which are considered as visible proofs of the propriety of their submission. It is very seldom that we find so rapid an exchange of a lawless licence of action for the evils of blind and irrevocable obedience to the will of others, as we find by the account of Cæsar to have taken place among the Gauls. Though they had advanced somewhat in arts and manners, they had made no progress towards civilization which can be compared to the progress of their governments towards absolute power over the thoughts and deeds of men.

In one point of view they seemed to be only emerging from savage life; in the other, they appeared to be on the verge of eastern decrepitude, without the imperfect compensations of the ingenious industry and refined luxury of the old nations of Asia.

The quick glance of Cæsar over Germany was chiefly confined to the rudeness of their arts, and to the qualities which fitted them for military virtues. About one hundred and fifty years after Cæsar passed the Rhine, when the Roman wars had penetrated to the neighbourhood of the Baltic, another great observer,—though not indeed with the simplicity of purpose and composition which gives a grace to the naked narrative of Cæsar, has described the Germans,—in a work which, lowered as it is by a spirit of insinuation and sarcasm, nevertheless maintains its place among the most valuable remains of antiquity. In the age of Tacitus the Germanic tribes had evidently advanced farther in the arts of life; but their independent spirit had not abated. The historian describes their generous though disorderly freedom, as if it were no less characteristic of the race than their fierce blue eyes, their red hair, their huge frame, better fitted for violent effort than for patient industry.* "Their kings are chosen from the royal race; their leaders are selected on account of their valour. The power of the kings is not without bounds. The generals command more by example than by authority. The chiefs regulate ordinary business: great affairs are brought before the whole tribe, by the king and other chieftains, and determined by the suffrages of all. These assemblies take cognizance of capital crimes, and elect judges for the districts, to each of whom a council of a hundred assessors is also appointed. Though almost without clothing, and without towns, and though a lasting appropriation of land to individuals was unknown to them, yet they alone, among barbarians, rejected polygamy. Female purity was respected: the female sex, therefore, were held in honour. By a rare example, slaves were treated with lenity; sometimes indeed killed in moments of anger, but never subject to cruel punishment, or more cruel labour." †

In this remarkable picture we see a people as much

* De Moribus Germanorum, IV. VII. XI. XII.
† See the several parts of Tacitus last referred to.

behind the Gauls in attainment and superficial refinement, as beyond them in that unshackled activity of mind which is the sole parent of the dignity and advancement of mankind. Their opinions were not blindly received from priests, nor was their liberty of action fettered by chiefs. Their souls were raised by taking a free part in concerns more dignified than those of individuals. The energy was awakened, which, after many ages of storm and darkness, qualified the Teutonic race to be the ruling portion of mankind, to lay the foundation of a better-ordered civilization than that of the eastern or of the ancient world, and finally to raise into the fellowship of these blessings the nations whom they had subdued, but with whom they are now undiscernibly mingled.

The monuments of history do not enable us to explain this singular contrast between neighbouring races. The Druidical system is not without oriental features. So much subserviency of one part of a nation to another, in an age so destitute of the means of influence and of the habits of obedience, is not without resemblance to that system of ancient Asia, which confined men to hereditary occupations, and consequently vested in the sacerdotal caste a power founded in the exclusive possession of knowledge. The Egyptian and Phœnician colonists who settled in the Hellenic territory were, by some fortunate accident unknown to history, set free from those Asiatic restrictions which, having probably long subsisted as usages, were at length sanctioned among their ancestors by law and by religion as the sole security against a relapse into unskilfulness and total barbarism. The plough and the loom were conveyed in safety. The fetters which prevented their further improvement melted away. Some of those writers, chiefly in Germany, who have lately used learning in a philosophical spirit, suppose that they have discovered in Greece and Italy some traces of subjection to a sacerdotal and to a military caste. The greater writers of Greece and Rome, intent on the beauties of composition, and on the memorable events of

their authentic history, may have overlooked these minute and obscure traces of a system so unlike that of their own times.

Acuteness and erudition seldom paralleled have lately been employed in gathering and weaving together all the fragments and allusions which can be supposed to indicate such revolutions, from illustrations of ancient laws, from passages of legendary poetry, from writers on the antiquities of language, and from all those whose habitual studies led them to those untrodden paths of enquiry where they often found jewels, of which they knew not the value. If these speculations had reached a maturity which would authorise history to adopt them, it might not improbably be supposed that the oriental system, with its restrictive and stationary spirit, had been imported into Gaul before the period of record, where it withstood the example of a more generous polity, afforded by the neighbouring republics of Grecian origin.

It must not be denied that the political usages of the Germans resemble those of many other tribes in a state of rudeness; and it may be supposed that as the disgust of Tacitus at the dissolute manners of his countrymen vented itself in commendations of Teutonic purity, so the picture of Germanic liberty may have owed some of its bright colouring to the indignation against Roman slaves which glowed in his republican heart; yet we cannot survey the globe without observing ancient and indestructible peculiarities in the character of a nation or of a race of which we are unable to discover the causes. It is at least a harmless illusion of the nations of Europe to have considered these passages as affording a probability that the love of liberty was the peculiarity of the Teutonic race, and on that account to cherish more sanguine hopes that it may be unfolded in every nation of the European family, that it may even one day be carried by them over the earth, and communicated to all mankind.

CHAP. I.

BRITISH AND ROMAN PERIOD TO 500 A. D.

THE far greater part of the names of mountains, lakes, and rivers, in both the British islands, are to this day descriptive and significant only in some Celtic language. The appellations of these vast and permanent parts of nature are commonly observed to continue as unchanged as themselves. It is therefore reasonable to believe, that a people of Celtic race were the earliest inhabitants of these islands. As the Gaelic language explains many more of these names than the other branch, the same inference seems to show that those who used that language were the prior colonists. Beyond these probabilities our ancient history is involved in impenetrable darkness. The Phœnicians and Massilians traded in the tin of Cornwall, and from them geographers spoke of the Cassiterides, or Tin Islands; but whether the traffic was direct or indirect we are ignorant. The variety of communications in the age of Augustus, from the Mediterranean to the Atlantic through Gaul, by means of the Rhone, the Loire, and the Garonne, for the purpose of the trade in tin, favour the supposition that it was chiefly indirect; to which the ignorance of such a writer as Strabo of the position of the Tin Islands, which he places near the coast of Gallicia, appears likewise to be friendly. On the other hand, Festus Avienus, who constructed that part of his metrical geography which relates to the west from an acquaintance with Carthaginian authorities, places the Tin Islands so near their real situation, as to lead us to believe that they were known at Carthage, which is, in some measure, confirmed by journals of navigators to-

wards the northern sea, which are, however, of disputed antiquity.

B. C.
55. The first events in the authentic history of Britain are the landing of Cæsar on the eastern shores, in the fifty-fifth year before the Christian era, and his invasion of the country in the following year. The course of his conquest of Gaul had brought him in sight of an island hitherto known only by name in Greece and Rome, and even afterwards the scene of those fables and prodigies with which the imagination is at liberty to indulge itself in peopling unexplored lands. He was probably desirous of gratifying himself, of dazzling the people of Rome, and of seeming to be engaged in objects remote from internal ambition, by expeditions against a new world. They furnished him also with a pretence for prolonging his provincial command, and keeping up an army devoted to him till the fulness of time for the execution of his projects against liberty should arrive. On the first occasion, when he disembarked near Deal, his landing was firmly disputed by the natives: the effect of discipline and arms overawed them; but the deputies sent to lay their submission before him, having seen his numbers, and having learnt that accidents, arising from Roman ignorance of the ocean, had damaged his fleet, they determined again to renew their attack. They were chastised for their levity and bad faith; but the approach of winter induced Cæsar to secure his return to Gaul by a ready acceptance of such submission as they
51. proffered. In the ensuing spring, Cæsar appeared on the British coast with an armament of eight hundred vessels, at the sight of which the Britons, who had assembled in considerable force, withdrew into the forests, where they were most formidable to their enemies. The Roman army, however, penetrated into the country, and passing the Thames above Kingston, entered the country of the Trinobantes, in whose territory London is now situated. The advance was bravely resisted; and it is owned by the conquerors that the

regular movements and heavy armour of the Romans often unfitted them for success in a forest-campaign against the light and nimble barbarians. Cassivelaunus, a British chief, distinguished himself by his boldness; but genius and science asserted their usual superiority. The British chiefs promised to pay tribute and to abstain from hostility against those of their countrymen who had abetted the Romans. Cæsar, who showed no signs of an intention to establish himself in Britain, and probably regarded his expeditions beyond the Rhone and the Channel only as a means of flattering the Romans, and of displaying the complete reduction of Gaul, returned to the continent to restrain the discontents of the Gauls, which soon after broke out into revolt. This, and all the other contests in which Cæsar was engaged with the Celts and Teutons, exhibit a lively picture of a conflict between skill and experience, wielded by a systematic but decently-disguised lust of aggrandizement, attended by that abatement of military horrors which generally suits the policy of the far-sighted conqueror on the civilized side; and on the part of the savages by headlong rashness, desperate bravery, atrocious cruelty, and a disregard of those compacts and conditions which, however imposed by force, and intended only to smooth the way to subjection, are yet so manifestly conducive to the general benefit, that the open violation of them is condemned by civilized nations—unless, perhaps, in those cases of dire necessity where national existence is at stake.

At the time of Cæsar's landing, the island of Great Britain was inhabited by a multitude of tribes, of whom the Romans have preserved the names of more than forty. The number of such tribes living in a lawless independence is alone a sufficient proof of their barbarism. Into the maritime provinces southward of the Thames, colonies probably recent from Belgic Gaul began to introduce tillage; they retained the names of their parent tribes on the continent; they far surpassed the rest in the arts and manners of civil life. The inhabitants of

the interior appear to have been more rude and more fierce than any neighbouring people. The greater part of them raised no corn; they subsisted on milk and flesh, and were clothed in the skins of the beasts whom they destroyed for food. They painted and punctured their bodies, that their aspect might be more horrible in war. The use of carriages in war is a singular instance of labour and skill among such a people. Their domestic life was little above promiscuous intercourse. Societies of men, generally composed of the nearest relations, had wives in common. The issue of this intercourse were held to belong to the man (if such there should be) who formed a separate and lasting connection with their mother. Where that appropriation did not occur, no man is described as answerable for the care of the children. Perhaps no barbaric usage could mark a lower point on the scale of moral civilization. The countries since called Scotland and Ireland were probably not more advanced. The supposition of Cæsar, that Druidism took its rise in Britain, is not easily reconcileable with their general inferiority to the Gauls. That the most secret mysteries of the Druidical priesthood were in his time most taught in Britain, may be explained by the natural proneness of such superstitions to take refuge among the blindest of their votaries, to fly from the neighbourhood of rival superstitions, and still more from the scrutiny of civilized and enquiring men. It is vain to enquire into the forms of government prevalent among a people in so low a state of culture. The application of the terms which denote civilized institutions to the confused jumble of usages and traditions which gradually acquire some ascendant over savages, is a practice full of fallacy. The Britons had a government rather occasional than constant, in which various political principles prevailed by turns. The power of eloquence, of valour, of experience, sometimes of beauty, over a multitude, for a time threw them into the appearance of a democracy. When their humour led them to follow the council of their elders, the community seemed

to be aristocratic. The necessities of war, and the popularity of a fortûnate commander, vested in him in times of peril a sort of monarchical power, limited rather by his own prudence and the patience of his followers than by laws or even customs. Punishment sprung from revenge: it was sometimes inflicted to avenge the wrongs of others. It is an abuse of terms to bestow the name of a free government on such a state of society: men, in such circumstances, lived without restraint; but they lived without security. Human nature in that state is capable of occasional flashes of the highest virtues. Men not only scorn danger and disregard privation, but even show rough sketches of ardent kindness, of faithful gratitude, of the most generous self-devotion. But the movements of their feelings are too irregular to be foreseen. Ferocious anger may, in a moment, destroy the most tender affection. Savages have no virtues on which it is possible to rely.

Ninety years after the expedition of Cæsar, the Britons seemed to be threatened by Caligula, at the head of an army on the coast of Gaul. But that giddy youth, intoxicated by boundless power, seeking only an occasion for one of his most insane freaks, commanded his troops to charge the ocean, and to load themselves with shells, which were the ornaments of his triumph over that boisterous enemy on his entrance into Rome. A. D. 36.

About six years afterwards the adventurous and unprofitable enterprise was seriously resumed under Claudius; a prince who combined learned research into subjects foreign from the duties of government with an abject and supine temper, which, in a greater degree than more active vices, unfits men for the exercise of authority. In the name of their imbecile monarch two distinguished officers, Aulus Plautius and Vespasian, employed seven years in reducing the country southward of the Thames. They penetrated to St. Alban's and Colchester, then British fastnesses, soon after Roman towns. Ostorius Scapula extended the province to the banks of the Severn, but built a 43.

A. D. chain of forts, to bridle the independent tribes. Here
50. he encountered the Silures of South Wales, the most warlike and implacable of the Britons, led by king Caractacus, or rather Caradoc, who was eminent among British commanders by signal success, and by defeat manfully endured. He skilfully availed himself of an advantageous position, and exhorting his followers to
51. remember that Cæsar himself had been driven from the British shore, he bade them preserve, by their valour, the liberty which they inherited. They loudly vowed that neither arms nor wounds should appal them. The Roman general was astonished; but the spirit of his soldiers was roused, and they cried out that no position was impregnable to the brave. They prevailed; the brothers of the British chief surrendered; his wife and daughter were made captive. He took refuge among the powerful tribe of the Brigantes in Yorkshire; but their queen, Cartismandua, betrayed him into the hands of the enemy. His fame preceded him in Italy: the people
52. were eager to see the man who, for so many years, defied the empire. His family supplicated for mercy. He himself, however, addressed the emperor with a manly dignity, alike removed from meanness and insolence. Claudius treated him with lenity and respect, not unaware how much the dignity of the vanquished enhances the glory of the conqueror. The unconquerable Silures renewed their attacks on the Romans, and kept up the animosity of their countrymen by this example. Ostorius, weary of an obscure and destructive warfare, died;
59. and his successors were for years confined to the defensive. Suetonius Paulinus, an ambitious officer of high reputation, but prone to the use of cruel means against barbarians, having obtained the province of Britain, resolved to destroy the sacred seat of the Druids in the island of Mona or Anglesea, which he considered as the centre of British union, and the source of the spirit of resistance. After crossing the strait he saw the declivities covered with a forest of arms and soldiers, in the midst of whom were women, running to and fro like

furies, with mourning apparel, with dishevelled hair, A. D.
and brandishing torches in their hands: while Druids 61.
stood around with hands uplifted to heaven, breathing forth dire prayers for the destruction of the invaders. The Roman soldiers, at first awed by the spectacle, were ashamed of being afraid of women and priests. The Britons were consumed in the flames which they had kindled; a fortress was built there to contain them; and the groves were cut down, which had long resounded with the cries of human victims.

In the midst of this warfare, Suetonius learned the alarming intelligence of a general insurrection of the subdued tribes. It had been immediately provoked by the injustice done to the Iceni, and by the atrocious outrages offered to their queen Boadicea, who was publicly whipped, and constrained to witness the violation of her daughters. Many tribes flocked to the standard of the wronged queen. They destroyed the infant colony of Malden or Colchester, and in the more flourishing colony of St. Alban's they are said to have put to death seventy thousand persons, with all the tortures which revenge could devise.

Suetonius soon succeeded in bringing the Britons to a general action in open ground. In that situation he disregarded the immense superiority of numbers. Boadicea, as she passed along the front of her army, entreated her countrymen to avenge her wrongs and those of her daughters who sat beside her in the car. They were defeated with tremendous slaughter, reported by some, as the historian informs us, to amount to eighty thousand, while the victors lost only five hundred. "The glory," says he, "won on that day was equal to that of the most renowned victories of the ancient Romans." Boadicea poisoned herself; and Posthumus, the commander of a legion not engaged, fell on his sword, indignant at losing his share in the victory. The successors of Suetonius, notwithstanding the great success, relapsed into inactivity.

In the reign of Vespasian, Cerealis and Frontinus 70.

employed seven years in reducing the powerful tribes
A. D. of the Silures and Brigantes.
71. The emperor Vespasian, who first distinguished himself by his services in Britain, soon after he had prevailed over his competitors for the empire, appointed Cnæus
78. Julius Agricola to the government of that province, the third person of consular rank of whom it had been deemed worthy. His administration would have been as little known to us, as that of those who went before him, if he had not given his daughter in marriage to C. Cornelius Tacitus, whose life of his father-in-law is a singular instance of the power which genius, in ages where historical materials are scanty, may exercise over the allotment of fame. The character of Agricola, is an excellent example of an union of capacity and vigour in war with prudence and moderation in civil life. His well-balanced mind was averse from all excess, but it was without those brilliant peculiarities in which the biographer delights. The only general maxim by which the historian attempts to exalt his character is, that there is a conduct, even under tyrannical reigns, equally distant from servility and turbulence, by which an eminent man may serve his country with safety and innocence. The work ought rather to be regarded as the funeral panegyric than as the life of Agricola. The age of Tacitus afforded him few opportunities to acquire a talent for praise by frequent exercise: his style did not easily descend to ordinary particulars; and his affection, in this case, cramped his freedom.

Agricola began his government by conciliating the provincials, and by reducing Mona, which, as soon as the cruel vigour of Suetonius was withdrawn, had again recovered its independence and its influence.

In the course of eight campaigns, of which the indistinctness of the outline presented to us by Tacitus may be ascribed both to the generality of that writer's language
79. and to the limits of his information, Agricola carried the Roman arms through the north-western counties of England into Scotland, where he joined, by fortified posts, the

friths of Forth and Clyde, which he probably intended for a frontier; and having gained information relating to the force necessary to subdue and retain Ireland; having also overawed all the British tribes, and made an important accession to geography by the circumnavigation of the island, he at length found an army of mountaineers, augmented by fugitives from the plains, assembled under a chief, whose name, adapted to Latin analogy, he calls Galgacus, at the foot of the north-eastern portion of the Grampian mountains, whom, after an obstinate battle, he defeated and dispersed, with the carnage which is incident to the pursuit of a disorderly multitude. His fleet returned from its voyage of discovery to the ordinary station at the isle of Thanet; and he established his winter-quarters on the most level district which lay to the northward of that natural frontier of a civilised empire, which was formed by the two friths. A. D. 84.

But in the reign of Domitian it was difficult for the most prudent general to be long successful with safety. On his return to Rome, all the arts by which he shunned celebrity proved insufficient to lull the jealousy of the tyrant, by whose directions it seems not obscurely intimated by Tacitus that Agricola was poisoned.

The Roman dominion reached under Agricola its utmost permanent extent in Britain. The natives were driven into the rugged and barren region beyond the Grampians. We know, though chiefly by the evidence of medals, that the mountaineers had broken into the Roman province, and were driven back into their fastnesses by the vigorous arm of Hadrian, who repaired the frontier fortifications of Agricola, and erected a second wall, from the Solway Frith to the mouth of the Tyne, of which the remains still subsist. Under Antoninus the same species of fortification was constructed on the more northern frontier of the friths. The privileges of a Latin town were bestowed on a station called the winged camp, either at Inverness or on a promontory about twenty miles east of it, perhaps vainly intended as 120. 138.

a badge of the permanent establishment of the new province.

The slow progress of the Romans in the reduction of Britain is a fact which has not been sufficiently considered by historians. It forms a remarkable deviation from the ancient policy, and indeed a striking contrast to the conquest of Gaul, though that country was the last great acquisition in the West, and defended by a people as brave as the Britons, more improved, and far more numerous. It is an instance of the sudden change produced in their foreign policy by a revolution in their internal government. The patriciate steadily advanced to universal dominion by adherence to the traditional policy of their body. The measures of each emperor fluctuated with his temper and his personal circumstances. The general policy was that of Augustus, who disapproved a greater extension of an empire, which was already possessed of natural frontiers, and had begun to acquire a species of moral unity; for the Macedonian conquests had established the arts and language of Greece in Western Asia, and the Roman victories themselves had carried the same refinements throughout the European provinces. Beyond the frontiers, were either utter barbarism or the civilisation of another world. The foundation of the imperial power was laid in military usurpation, and the example was too recent not to affect the spirit of the administration. Domitian was jealous of Agricola, as a reproach to his own baseness. Wise and good emperors, desirous of securing a civil and legal government, reasonably avoided conquests, which might once more tempt victorious commanders to overthrow their work. The prizes of ambition had become more splendid at home than abroad; and the Roman dominions were too vast to be embraced as a native country with affection and pride by the most capacious soul. Under a prince of ability and energy, like Trajan, the ancient spirit might be rekindled at Rome; but, generally speaking, the foreign wars of the empire took their rise from inevitable collisions between the

commanders on the frontier and the unconquered barbarians. Agricola considered the complete reduction of Caledonia, and even the conquest of Ireland, as the best means of securing the southern province; but the ordinary policy of Rome was to confine the barbarians within their mountains. The fickleness, rashness, and rapacity of the mountaineers, however, seldom failed to supply a Roman general, ambitious of distinguishing himself, with specious pretexts for hostilities against them, which might drag the empire into war. No instructions from Rome could be so pacific as to exclude a recourse to arms in self-defence, and the attacks of the barbarians were perhaps generally within the letter of such an exception, though probably often at variance with its spirit. It was easy to hide and disfigure facts in the relation of contests with a remote and unlettered enemy. The administration of Britain, therefore, depended on the character of the commander; and there seems no reason to wonder that the progress of conquests, attended by no gain and little glory, should be slow and fluctuating. For the two centuries which followed, Britain was a Roman province: its insular situation so often tempted the commander to assume the purple, that it was called "an island fertile in usurpers." * The Roman cultivation was extended to it in a less degree than Spain and Gaul. The writers of the latter province were respectable; those of the former the most famous of their age. Roman Britain did not produce a single literary name. In what degree the prevalent use of Latin might have paved the way for that singular disappearance of the ancient language of Britain in the larger and more fertile portion of the island, which was completed under the Saxons, is a subject on which there are no memorials extant which will warrant us to hazard a conjecture. The Roman remains seem rather to indicate the luxury of the military stations of that people than any desire to adorn their province by civil architecture. The convenience and magnificence of their roads had a military purpose.

* "Insula tyrannorum fertilis."

The Roman conquest, combined with the Saxon invasion, forms a chasm between the primitive inhabitants and their modern successors. The infusion of British into the English language appears to be scanty. Our institutions are chiefly attributable to the Saxons: few of our offices or divisions, and not very many names of towns, can be traced farther. The only tie of national identity between the Britons and the modern English consists in the unaltered names of the grander masses of earth and water.

The exact period of the introduction of Christianity into Britain is unknown. From our more accurate information respecting its diffusion in Gaul, it may be reasonably supposed to have reached the neighbouring island very early. About the end of the second century, we find Tertullian boasting that the Gospel had subdued the tribes who were yet unconquered by the Romans. Two centuries after, theological controversy became so prevalent, that Pelagius, a Welshman, and Celestius, a Scotchman, agitated all Christendom by their heresy, that is, their difference from the majority of Christians on original sin and free will. Britain was governed by a prefect, who exercised the civil and military power with the controul only of a questor, whose peculiar department was finance. It was divided into six provinces. The first, Britain to the south of the Severn and the Thames; 2. The second, Britain containing Wales and the adjoining districts along the Severn; 3. Flavia Cæsariensis, from the two former provinces to the German Ocean, the Humber, and the Don; 4. Maxima Cæsariensis, to the north of the Humber from its mouth to the mouths of the Tyne and the Eden; 5. Valencia, from the Tyne to the Clyde and the Forth; 6. Vespasiana, the country beyond the friths, a short and almost nominal conquest.

A. D. 190. to 449.

One part of the Roman institutions had permanent consequences, of which we taste the fruits at this day. This was their care in providing for the government and privileges of towns. Thirty-three towns, or rather

townships, were established in this island from Winchester to Inverness, with various constitutions and different stages of dignity, which it does not belong to our present purpose to discriminate. The choice of the decurions and senators, out of whom the magistrates were taken*, was left to the inhabitants; to these magistrates belonged the care of the public worship, the municipal property, and the local police, together with some judicial powers, though even the inhabitants of those towns to whom the privileges of Roman citizens had been imparted could exercise these political rights only within the walls of Rome, the sole remaining dignity which seems at last to have distinguished the conquering city from the enslaved world.† Whatever may have been some of the consequences which are attributed to the condition of these subordinate republics, it cannot be doubted that the remembrance and the remains of them contributed to the formation or preservation of those elective governments in towns which were the foundations of liberty among modern nations.

The same general decay which in the fourth century exposed the northern frontier of the Roman empire to invasion at every point, in the same disastrous period tempted the Caledonians to desolating inroads into the province of Britain, from whose hands they were for a time delivered by Theodosius, the father of the celebrated emperor. But in the progressive decline of the empire, the Roman troops were gradually withdrawn from this island, for the more urgent purpose of protecting the seat of dominion. About the middle of the fifth century Britain was abandoned to her fate, and left, if she could, to maintain a precarious and disturbed independence. A. D. 367.

The emperor formally apprised the cities or townships

* Savigny's Hist. Rom. Law, vol. i., translated by Cathcart.

† Guizot, Essais sur l'Histoire de France. *Du Régime Municipal.* This most learned and ingenious author supposes that the responsibility of the Decurions for every default in the municipal revenue, enforced as it was with intolerable extortion, impoverished, and at last ruined the middle classes of the provincials, and thereby destroyed one of the bulwarks of the empire.

of the province of Britain that he absolved them from their allegiance, and could no longer afford them protection. These corporations, and the military chiefs who led their troops, probably formed the only shadow of government remaining in the half century of confusion and darkness which ensued.

The British youth, who had been trained in the Roman army, had more than once driven back the barbarous tribes of their own island; but after a vain appeal to Ætius, who for a moment propped the falling empire, the British states were led to employ* in their defence auxiliaries who became more formidable than the enemies against whom they had been called in to combat. These mercenaries, who gradually rose to be conquerors, were chiefly Saxons, but mingled with Angles, Jutes, and Frisians. It is remarkable, that two of the most celebrated of the Germanic nations, who overthrew the empire of the West, the Franks and the Saxons, are unnoticed, at least under these appellations, in the description of Tacitus. They were probably confederacies against the Roman power, formed and named after his age. The Franks inhabited the right bank of the Rhine, from the Mein to the sea; the Saxons had their chief seat on the Elbe; and the Allemanni, another confederacy, who have left no lasting monument but their name, occupied the German side of the Upper Rhine.

A. D. 446.

The progress of conquest on the Continent was rapid. Many of the border tribes had learned military discipline in the Roman service: even the arts of civil life had made some progress among them. Their chiefs were pleased with the distinctions and titles of Roman officers. Men of barbaric race had fought their way to the throne of Marcus Aurelius. They understood so accurately the qualities in which they were inferior to the vanquished, as soon after their establishment to entrust to Roman lawyers the task of preparing codes of law for them. They were thus prepared to give a favourable reception to the religion of the vanquished, which they soon

* Ingram's translation, Saxon Chronicle, 13—15.

embraced under some of its forms, while the difference between them and the Roman provincials was gradually narrowed. Their neighbourhood afforded every natural facility for invasion, and their familiar acquaintance with the country lessened its military dangers. It is probable that many of the inhabitants of Gaul, when they saw the northern chiefs advancing, with Roman names of office, considered the revolution as neither considerable nor mischievous. Experience alone taught them the nature of conquest by foreign barbarians.

The British islands were in a very different situation; they could only be invaded by sea. The number of invaders which could be transported in the small and rude vessels of that age was very limited; they could not be assailed like the continental provinces by armed nations. The Saxons, on the other hand, were a people remote from the Roman frontier, and known to civilised nations only by their piracy, which obliged the Romans, long before, to establish an officer especially appointed to check them, under the name of Count of the Saxon shire. Their barbarous religion sharpened their ferocity in conflicts with Christians. Their history, and that of the Scandinavians, illustrate, on a large scale, the cruelty of pirates, who frequently owe the success of their disembarkations to the sudden terror spread by fire and sword, and whose scanty means of conveyance and custody often seem to compel them to destroy their prisoners. They attack with less strength, and their warfare provokes a more desperate resistance. Hence, in a great measure, arose the slow progress of the Saxon arms.

A. D. 383. Not long before the evacuation of Britain, Maximus, who assumed the imperial authority in that province, and ruled for several years over Gaul and Spain, is said to have established Conan, a British officer who accompanied him, with regal authority in the peninsula between the Seine and the Loire, then called *Armorica*. It is related that multitudes of the British soldiers in the army of Maximus settled in that country, under the protection of Conan. The name of Britanny, and the

singular resemblance of the language and manners of the inhabitants to those of the insular Britons, which have been by some imputed to this military settlement, are ascribed by others to the number of emigrants who took refuge in Armorica from the horrors of the Saxon invasion. But though these events may have drawn more closely the ties of common descent, it is not probable that they would have occurred, or that they would have produced such lasting effects, if the two nations had not originally agreed in race and language. From a cursory remark by Zosimus, a Constantinopolitan historian, it seems that at the moment of the evacuation of Britain, the Britons on both sides of the Channel took up arms to maintain their liberty.

The connection thenceforward subsisting between Wales and Britanny contributed to introduce the legendary history of the Britons into a conspicuous station in the heroic fables of Europe. Arthur, who in the sixth century appears to have ruled over the Britons of Cornwall, and to have made a brave and often successful struggle against the invaders, became, in process of time, one of the darling heroes of those fictions in prose and verse, which under the name of romances produced the first materials of original poetry among the modern nations. His fame was communicated to the Carlovingian empire by the Armoricans. It was in a subsequent age more widely spread by the Norman minstrels, who exulted in the renown of the chief of their adopted country. They seem first to have engrafted his name on those tales of descent from the Trojans, in which the western provincials before the fall of the empire claimed a share of the fabulous pedigree of their conquerors *, and which the most enlightened nations of Europe continued to tolerate till the seventeenth century. The glory of one of the last champions of Christendom against ferocious Pagans was alluring to ingenious fablers. The absence of authentic particulars

* " Aiunt quidam (Galli) paucos post excidium Trojæ fugientes, loca hic occupasse tunc vacua. — *Amm. Marc.* lib. xv. In the sixth century the Franks were said to be descended from Francus, the son of Hector.

set free their fancy; actions seen in so dim a twilight put on the size and shape which best pleased the poet; and the wonders of mythology, which always gradually withdraw before the advance of civilisation, found a natural and last retreat in the most remote regions of western Europe. To these circumstances, or to some of them, it may probably be ascribed that in a few centuries a Cornish or Welsh chieftain came to share the popularity of Charlemagne himself. The historical name of the great ruler of the Franks has, perhaps, borrowed a brighter lustre from the heroic legends with which it was long surrounded. In this country, on the contrary, a disposition has been shown to take revenge on the memory of Arthur for the credulity of our forefathers, by ungratefully and unreasonably calling into question his existence.

It must be owned, indeed, that the traditions of our heroic age have not the same historical value as those of other nations. The fables of Greece, for example, besides their singular beauty, have the merit of being the native produce of the soil. As pictures of manners and indications of character they are, therefore, true to nature. They may occasionally approach the inferior truth of time and place, of names and particulars, by a faint and rude outline of real occurrences. But the mythological writers of the middle age were either monks, whose scanty learning was confined to foreign languages and events, or minstrels altogether unlettered, who adopted the legends of the monastic teachers. Hence it is that instead of explaining we have been compelled to cut off the commencement of all the monkish or traditional history of modern nations. But it is altogether unreasonable to doubt the general fact of the existence of a chief, to whom British tradition has uniformly assigned the highest part in the long and memorable stand against the Saxons. That tradition relates to a domestic fact, and may be traced to no enormous distance from the time to which it refers. If genius could have saved our mythic history from the mortality incident to foreign

legends, and from the more scrutinising criticism of modern ages, the heroic history of England might have spread as far, and lasted as long as that of Greece. All our greatest poets have been led by the instinct of their genius to consider it as their proper mine. Shakspeare has borrowed from it the outline of a tragedy, which is, perhaps, more affecting than any other work of that most fertile and various of poets. Arthur, as the representative of a glorious defence of our native country, has more peculiarly attracted men of genius. The soft and beautiful fancy of Spenser touched on these themes, before the events ceased to inspire the interest which depends on general belief.

English poets feeling the soil to be a nearer tie than that which attached them to remote and unknown ancestors, did not enquire whether they were not themselves the progeny of those Saxons against whom they took a part. Milton himself had in his youth meditated an epic poem on the national and patriotic exploits of Arthur.* Dryden had also chosen Arthur as the hero of his meditated epic poem. There was much in the theme to kindle all the fire of his genius; but there was some danger that the sympathy with success, and the dazzling influence of triumphant heroism, which have vitiated the morality of other great poets, might, in the progress of the work, have estranged the heart of Dryden from the unfortunate hero of Britain. Pope did not prove his vocation for heroic poetry, by choosing as the subject of his projected poem the expedition of the imaginary Brutus; and thus turning the ancient legends of his own country into an appendage to the most worn out tales of classical antiquity, when no race remained to triumph in the victory, or to commiserate the vanquished.

* Si quando indigenas revocabo in carmina reges,
Arturumque etiam sub terris bella moventem.
O modo spiritus adsit,
Frangam Saxonicas Britonum sub marte phalangas."
Miltoni Mansus.

CHAP. II.

ANGLO-SAXON PERIOD.

450—1066.

THE British islands are naturally destined to be the seat of maritime power. Their coasts are much more extensive, compared with their inland territory, than those of any other great and civilised nation. Their position on the globe, reaching almost to the northern verge of that portion where the whole sea is open to navigation throughout the year, is better fitted than any other to render their numerous mariners hardy, daring, and skilful. Had it been more southerly, these qualities would have been incompletely exercised; had it been farther north, some part of the year, which now serves to train their seafaring inhabitants, would have been lost to that purpose. Their soil and climate neither withdrew their pursuit from the resources of the sea, nor refused the produce which might be exchanged by navigation for the produce of other countries. Their advanced position, as it was in front of Europe, favoured that disposition towards adventurous voyages and colonial establishments, in which, after a fortunate exclusion from the neighbouring Continent, the genius and ambition of the people were vented with lasting, grand, and happy consequences to mankind. Popular government gives dignity to commerce: it promotes navigation, one of the occupations of the lower and middle classes, and it is disposed to encourage the only species of military force which cannot be made the instrument of its overthrow. It is not unreasonable to add, that the settlement of so many pirates in England, the natives of every country from the Elbe, perhaps from the Rhine, to the North Cape, between the sixth and tenth centuries, may have contributed to cultivate those nautical propensities which form a part of the English character.

The general movement of all the pastoral or unsettled tribes, who roamed over the north, against the tillers of land and dwellers in towns who peopled the Roman empire, originated in the migration of the Huns, a Calmuck people, from their ancient seats northward of the wall of China to the Caspian, and at length towards the northern shore of the Euxine. The pressure of this host of martial shepherds easily set in motion the vast mass of the Germanic tribes, whose imperfect culture and appropriation of the soil had not yet bound them fast to their residence.

The first Germanic people who yielded to the impulse were the Goths, who claimed a Scandinavian origin, but whom history can clearly trace only to the countries
A. D. between the Danube, the Vistula, and the Euxine.
409. The Visigoths or Western Goths, in the beginning of the fifth century, broke into Italy and reduced Rome, but soon after turned their arms to Gaul and Spain, where they founded a powerful monarchy, extending from the Loire to Gibraltar. They were expelled about a
507. century after from all their possessions in France except Languedoc by Clovis, at the head of the Franks, who in the latter years of the fifth century had established himself in the north-western part of France, and whose suc-
543. cessors, by the reduction of the *Burgundians*, a Vandalic people, who conquered the north-eastern portion of that country, once more united the greater part of Gaul. The Visigoths, after their expulsion from the south of France, preserved their authority over Spain, till their total defeat
711. by the Mahometans. The *Vandals*, a people originally seated between the Oder and the Vistula, forced their way
429. through Gaul and Spain into Africa, where their power
534. continued for a century, till it was overthrown by Belisarius. The Ostrogoths, or Eastern Goths, acquired the sovereignty of Italy, under Theodoric, and retained it,
493. till it also was recovered by the generals of Justinian.
553. It has already been observed, that the invasion of Britain was made by sea, and that its slow progress depended on that peculiarity. The early contests of the Saxons with

the Britons appear to have been confined to Kent. Fifty years elapsed before two petty principalities were established by the invaders, the one by the Jutes in Kent, the other by the south Saxons, only on the borders of Sussex. It was not till fourscore years after the disembarkation that Cerdic, at the head of the West Saxons, made a lasting impression on the western Britons in a series of battles, where he was probably resisted by the valiant Arthur.* It was considerably more than a century before the country from the Humber to the Tweed, and probably to the Frith of Forth, were reduced by the Angles to two principalities, known in our history by the Latinised names of Deira and Bernicia, of which the union at a later period formed the kingdom of Northumberland.

A. D. 457. 477. 519. 547.

Even after the establishment of the Angles in Mercia, or the central part of England, the whole western portion of the island continued to be held by the Celtic race. Cornwall, South Wales, North Wales, Cumberland, and Strathcluyde, were the divisions of territory manfully defended by the Kymbric or Cambrian Britons. Eight Saxon principalities occupied the rest of England, which from the union of the two Northumbrian principalities were considered as seven, from which circumstance, as well as from some loose alliance among them, our writers have called the period of these governments by the name of the Heptarchy. In the wilds of Caledonia were, at least, two independent tribes,—the *Scots*, beyond all doubt of the same race with the Irish, and the *Picts*, of disputed origin, but of whom the early and universal prevalence of a Teutonic language in the north-eastern plains of Scotland seems to render it probable that they were Teutons, either of the Germanic or of the Scandinavian branch. It will not be wondered that every thing relating to this last tribe should

585.

* Saxon Chronicle. The words *Konung*, *Kyning*, *King*, *Kong*, *Koenig*, and others like them in the Teutonic languages, denoted every sort of command, from the highest to that of a very narrow extent. In an ancient Francic version of the New Testament, Cornelius, the pious centurion, is styled *Konung*. It would be a gross fallacy to understand these terms in their modern sense when we meet them in Anglo-Saxon history.

be involved in thick darkness, by those who consider that
A. D. they ceased to be a nation, and became, by conquest or
842. succession, subjects of the Scotch princes in the early part of the ninth century, when nothing is known of the internal revolutions of Caledonia. The island of Great Britain, about the year 700, was thus divided among fifteen petty chiefs, who waged fierce and almost unbroken war against each other. The ties of race were gradually loosened. The German invaders spilt their kindred blood as freely as that of the native Britons. The events of this period scarcely deserve to be known, and there are few means of ascertaining them. The uniform succession of acts of treachery and cruelty ceases to interest human feelings. It wears out not only compassion but indignation; and as the sufferer would be a tyrant if he could, it becomes difficult either to pity him or to blame the oppressor so much, as in better times nature would dictate and morality would require. There are crimes enough in the happiest ages of the world to exercise historical justice; and it can scarcely be regretted that our scanty information relating to the earliest period
A. D. of Saxon rule should leave it as dark as it is horrible.
596. Christianity brought with it some mitigation. The arrival of Augustine in Kent with forty other missionaries, sent by Gregory the Great to convert the Saxons, is described in picturesque and affecting language by Bede, the venerable historian of the Anglo-Saxon church. It cannot be doubted that the appearance of men who exposed themselves to a cruel death for the sake of teaching truth and inspiring benevolence could not have been altogether without effect among the most faithless and ruthless barbarians. Liberty of preaching what they conscientiously believed to be Divine truth, the only boon for which they prayed, Ethelbert king of Kent, who had married a French and Christian princess, freely bestowed upon them. They found both the Christian religion and the British language extinct in the Saxon territory; a tremendous proof of the ferocity of the warfare which had raged in this island for a hundred and fifty years.

With the clergy of the British principalities they were speedily engaged in a controversy about the time of the great festival of Easter, which was chiefly important as incompatible with the communion between that clergy and the western church, and with their obedience to the patriarchal see of Rome. Despairing of healing this breach of unity by reason, we are told by Bede that Augustine proposed to leave it to the determination of God, by agreeing that the party which should perform a miraculous cure was to be considered as sanctioned by the interposition of heaven. Augustine cured a blind man, but without the immediate removal of obstinate prejudice. Many such miracles, however, are related, to which happier consequences are ascribed; nor ought the veracity of the narrators to be undistinguishingly assailed, when a belief in miraculous powers was universal. A man of good understanding might easily ascribe to his own prayers, or still more to those whom he valued more than himself, those recoveries which immediately followed them. As the miraculous facts are seldom related by professed eye-witnesses, the progress of insensible exaggeration accounts for many of those narratives without either assenting to the miracle or disputing the honesty of the historian. A just conviction of the excellence of the cause in which they were engaged disposed them more readily to believe that Providence interposed in its favour. One of the greatest men of the eighteenth century * has intimated his opinion that such interposition might have actually occurred. Whoever ascribes the order of nature to a supreme mind must indeed believe it to be possible for that mind to suspend and alter the course of events: But there is probably no miracle of the middle age which requires any other confutation than a simple statement of the imperfection and inadequacy of the testimony produced in its support. A.D 602

No form of Christianity was likely not to have sanctioned a doctrine so agreeable to the general feel-

* Burke, v. 511. 4to.

ings of a zealous and ignorant age as the continuance of miraculous powers. It does not seem to have any connection with the properly theological dogmas of the church of Rome. Many protestants were, some perhaps still are, favourable to it. Probably no protestant establishment has expressly renounced it. It was the peculiar misfortune of the Roman Catholic church, that, however disposed some of its most distinguished members * might have been to suffer such claims to slumber and gradually to die out, their precise and rigid definitions of the infallibility of the church have placed the character of their religion too much at the mercy of every ignorant, credulous, or fraudulent catholic, who may persuade himself, or others, that he possesses those powers which the universal church cannot strongly condemn without renouncing those high pretensions which she once unfortunately sanctioned.

One Saxon state appears to have generally aimed at, or attained, an undefined ascendancy over the others. Though the authority thus exercised was necessarily fluctuating and irregular, yet the prince who held it had a distinct appellation in the Anglo-Saxon language. He was called as by an official title *Bretwalda* †, or wielder of the *Britons*, for so they soon learned to style themselves; seven chiefs had filled this station during three hundred years: — a king of the South Saxons, one of the West Saxons, one of Kent, one of the East Angles, together with three successive kings of Northumberland. It was evidently tending towards a regular and hereditary magistracy, but in whose hands the power of arms which had transferred it from province to province was now finally to deter-
A. D. 800. mine. In the beginning of the ninth century, Egbert, king of Wessex, who long lived at the court of Charlemagne, acquired a great authority over his contemporary princes, though he was content with the title of king of Wessex, and with the dignity and influence of Bret-

* Discours de l'Abbé Fleury sur l'Histoire Ecclésiastique, — in their general purport, and as far as the excellent writer was at liberty.
† Sax. Chron. A. D. 827; and Bed. ii. 5.

walda. He was the lineal descendant of Cerdic, the founder of the kingdom of Wessex, the most noble and powerful of the Saxon chiefs, the legendary descent of whose family from Odin the deified hero of the North ranked them among the progeny of the gods, and he became the common ancestor of all the dynasties who have since permanently filled the throne of England. This eminent place in history, or genealogy, has given more of the appearance of a change of government to his accession than in reality belonged to it. The chief alteration in the system consisted in confining the supremacy to the royal line of Cerdic. As there had been a series of Bretwaldas for centuries before him, so there continued to be subordinate kings long after his time. Their disobedience, indeed, was more and more considered as rebellion by the kings of Wessex, but by their own partisans it was still regarded as a continuation of the ancient struggle for superiority, in which neither party were inferior in right. Having reduced Essex, Kent, Surrey, and Sussex, and aided the East Angles of Norfolk in transferring their obedience from the Mercians to himself, and having in four years more subdued Mercia, his authority as Bretwalda was acknowledged in all the provinces southward of the Humber. To the Northumbrians, however, he seems to have granted milder terms of dependence. Mercia continued obedient for a very short period, and the Welsh afforded constant exercise to his arms. At his death in 836 he weakened the power of his successor, and lessened the influence of the Bretwalda, by bequeathing all his own dominions, except Wessex, to a younger son. No sooner had Egbert made some approaches towards regular government, than a new and fiercer race of piratical barbarians, unsoftened by Christianity, after a pause of two centuries, appeared in England, which they continued to ravage for almost two centuries more. They were Scandinavians, known in France under the name of Normans, and in England, by that of Danes; they had scarcely any natural inducement to spare countries which they had

A. D. 823.

836.

visited only to plunder, and where they did not hope to dwell; they were less than others liable to retaliation, and they had neither kindred, nor family, nor home. They were, perhaps, the only barbarians who applied their highest title of magistracy to denote the leaders of piratical squadrons, whom they termed *Vikingr*, or Sea Kings. Not contented with their native and habitual ferocity, some of them, called Berserker, sought to surpass their companions by working themselves into horrible and temporary insanity. Among these men, tears, regarded by all others as a badge of humanity, were foresworn as a disgrace. In their first incursions they are mentioned by the Saxon chroniclers under the general name of "Heathens," a description which, probably, conveyed their deep horror more faithfully than any other. Scorned by the men of the North as unnatural and cowardly apostates, it was natural that the Saxons, still actuated by the zeal of recent converts, should regard the paganism of their plunderers with peculiar horror. The rich monasteries in which treasure was accumulated became the most attractive objects of plunder, and the convents were the scene of those unspeakable indignities and abominations which may be imagined to flow from the excitement of all the evil passions of ferocious savages. During the government of Ethelwolf, the son of Egbert, and of two of Ethelwolf's sons, English history is little more than an account of their atrocities. The next reign opened inauspiciously; but its extraordinary character requires that it should be separated from the obscure barbarism which preceded and followed.

Alfred.

A. D. 871. to 901.

This greatest of princes, the third son of Ethelwolf by Osberga, a noble Saxon lady, was born at Wantage in Berkshire, in 849, and succeeded his elder brother in 871. In the fifth year of his age he was sent to Rome with an embassy, for what reason is unknown. Ethelwolf brought him a few years after on a pilgrimage to

that city. On his return he visited Paris, where his father married Judith the daughter of Charles the Bald. Of all the practices which have been abused for superstitious purposes, there is perhaps none more deserving of indulgence than pilgrimage, whether we consider its flowing from affectionate remembrance of the wise and good, or as tending to open and enlarge the mind by intercourse with many and often with more civilised nations. The religious journeys of the western pilgrims to Rome were in both respects to be honoured. These pilgrimages, and the society of his step-mother Judith, probably contributed to unfold his natural character, as the fortunate banishment of Egbert to the court of Charlemagne had contributed to raise that monarch above his competitors. Some scenes of his boyhood are preserved by his artless biographer, Asser, a monk of St. David's, which interest us more than the conquest of Europe in the ninth century would have done. Though he had reached the age of twelve before he acquired an art then so rare as that of reading, he was delighted with listening to the Anglo-Saxon songs. Judith, holding in her hands a volume of these poems in which the beautiful characters pleased her husband's children, said to them, "I will give it to the one among you who first learns to read it." — "Will you?" eagerly asked Alfred, though the youngest. "Yes," said she with a smile of pleasure. He suddenly snatched the volume out of her hands, and running to a schoolmaster, in no long time read or recited it to her. His great soul was roused by the love of letters, but not unmanned by it. He served with distinction in the numerous bloody battles fought by his brother against A. D. the men of the North. His accession fell on the most 871. troublous times. Only five years before, Rollo had established his followers under a sort of civil government in a part of Neustria. Alfred was chosen in preference to his nephews on account of a warlike spirit, which, however the moralist might speak of its excess *, was suited to the perils of the moment. In the early years of his

* "Nimium bellicosus." *Asser.*

reign, Mercia and Northumberland, which obeyed him
A. D. indirectly and imperfectly, being ill defended by their
876. separate chiefs, were over-run and nearly laid waste by the invaders, who were thus enabled to turn their whole force against Wessex. Though compelled to make two disadvantageous treaties in the first seven years with men by whom no treaty was regarded, he persevered in making a stand against the innumerable enemies who issued from the North; wave after wave incessantly lashed the British shore: their armies traversed the country from Tweed to Thames, abiding in different places till they had consumed the resources of the neighbouring districts. The Northumbrians, says the ancient chronicler, "became their harrowers and ploughers." * About the same time, the freebooters in their squadrons carried desolation into the centre of France, and were encamped on the present site of Paris. At last the spirit of the West Saxons was worn out: the Danes broke through the line of defence at Chippenham, overran the country, drove many into exile beyond sea, and subdued the rest to their will. "All," says the chronicler, "but Alfred the king." He, unconquered, took a few noble Saxons, established himself in the centre of a morass, surrounded by bogs and forests, in
877. a spot still called the Isle of Athelney †, where he remained for a time seemingly forgotten, as much as deserted. He experienced one of those sudden and total eclipses of fortune, which bestow a poetical lustre on heroism, and put genius to the test by reducing it to its own resources alone. Though he is said to have been obliged so to disguise himself as to be roughly reproved by the wife of a cowherd for neglect of the toasting of her cakes, he began even in that condition, to revive the spirit of his followers by striking blows at small parties of the enemy, who, ignorant of his existence, looked at them as if they fell from an invisible hand. He is said, in the disguise of a harper, to have visited the Danish camp, re-

* Sax. Chron. A. D. 876.
† Isle of the Nobles.

mained in it three days, examined its approaches and its A. D.
disposition, and ascertained the inattention and disorder of 878.
which the impunity of his own visit afforded a sufficient proof. In a short time he burst from his fastness. He was received by his oppressed people with enthusiasm, increased by the mystery of his retreat and return. They flocked to his standard in such numbers as to enable him to take by surprise the intoxicated enemy, to whom he made his existence known by a successful attack on the borders of Selwood, which compelled *Guthrun*, the Danish chief, to evacuate the territory of Wessex, and to receive from Alfred as a conqueror the country to the north of the Thames, and to the east of the Lee and Watling Street to the Ouse, together with a part of the depopulated Northumberland. This last grant, in which the supremacy of Wessex seems to have been acknowledged, may be considered as an attempt to cure, by settlement and tillage, the plundering habits of the roving pirates; nor does it appear to have been wholly unsuccessful. The chief condition of the treaty was the submission of Guthrun to baptism, humbling at least 880.
to the pagan chief, and destroying the cement which joined him to Scandinavia; in both respects impairing his strength and contracting his resources. During the sequel of Alfred's reign, the Anglo-Saxons were rather disturbed and vexed than endangered by the Danish power. For fifteen years after his restoration, England enjoyed universal repose. During four years only of the latter part of his reign, he experienced formidable hostilities from an invasion conducted by Hastings, the most renowned of piratical heroes, which afforded scope for the virtues as well as abilities of Alfred. He set free the wife and sons of that famous freebooter who had been made prisoners: "he caused vessels to be built twice as long as those of the enemy, both steadier and swifter, as well as higher, not formed after the Frankish or Frisian model, but as he himself thought they might be most serviceable." * His cultivation of the orna-

* Saxon Chron A. D. 897.

mental arts did not blind him to the dignity of the useful arts. He devised means of measuring time in order to improve it, and he was on this occasion the first improver of ship-building, and the founder of a naval force.

He continued to compose Anglo-Saxon poetry throughout his busy life: his propensities to literature grew up in a general state of the grossest ignorance. "When I took the kingdom, very few on this side of the Humber, very few beyond, not one that I recollect south of the Thames could understand their prayers in English, or could translate a letter from Latin into English." *

He brought together such scholars as the time afforded to remedy this evil, among whom his biographer, Asser,
A. D. was conspicuous. Envying their knowledge of Latin, he
887. acquired that language in his thirty-eighth year sufficiently to translate Bede, the only book of Saxon history then extant; Orosius, to whose text he added his own information or account of Germany and of Northern Voyages; and Boethius, whose representations of the natural equality of men, and whose invectives against tyrants, he, with at least as generous a spirit, rendered into Anglo-Saxon verse. He enforced education by refusing to promote the uneducated; and at an advanced period of his reign, he who was called by his biographer "The Truth-teller," thanked God that those who sat in the chair of the instructor were then capable of teaching.

In any age or country such a prince would be a prodigy. Perhaps there is no example of any man who so happily combined the magnanimous with the mild virtues, who joined so much energy in war with so remarkable a cultivation of the useful and beautiful arts of peace, and whose versatile faculties were so happily inserted in their due place and measure as to support and secure each other, and give solidity and strength to the whole character. That such a miracle should occur in a barbarous age and nation; that

* Alf. Pref. to translation of Gregory's *Pastoral Care*. *Wise's Asser*, 81.

study should be thus pursued in the midst of civil and foreign wars by a monarch who suffered almost incessantly from painful maladies; and that it so little encroached on the duties of government as to leave him for ages the popular model for exact and watchful justice,—are facts of so extraordinary a nature, that they may well excuse those who have suspected that there are some exaggeration and suppression in the narrative of his reign. But Asser writes with the simplicity of an honest eye-witness. The Saxon Chronicle is a dry and undesigning compend. The Norman historians, who seem to have had his diaries and note-books in their hands, choose him as the glory of the land which was become their own. There is no subject on which unanimous tradition is so nearly sufficient evidence, as on the eminence of one man over others of the same condition. The bright image may long be held up before the national mind. This tradition, however paradoxical the assertion may appear, is in the case of Alfred rather supported than weakened by the fictions which have sprung from it. Although it be an infirmity of every nation to ascribe their institutions to the contrivance of a man rather than to the slow action of time and circumstances, yet the selection of Alfred by the English people as the founder of all that was dear to them is surely the strongest proof of the deep impression left on the minds of all of his transcendant wisdom and virtue,—Juries, the division of the island into counties and hundreds, the device of frankpledge, the formation of the common or customary law itself, could have been mistakenly attributed to him by nothing less than general reverence. How singular must have been the administration of which the remembrance so long procured for him the character of a lawgiver, to which his few and general enactments so little entitled him?

Had a stronger light been shed on his time, we should have undoubtedly discovered in him some of those characteristic peculiarities which, though always defects, and generally faults when they are not vices, yet belong

to every human being, and distinguish him from his fellow-men. The disadvantage of being known to posterity by general commendation, instead of discriminating description, is common to Alfred with Marcus Aurelius. The character of both these ornaments of their station and their species seems about to melt into abstraction, and to be not so much portraits of man as models of ideal perfection. Both furnish an useful example that study does not disqualify for administration in peace or for vigour in war, and that scrupulous virtue may be combined with vigorous policy. The lot of Alfred forbad him to rival the accomplishments of the imperial sage. But he was pious without superstition; his humbler knowledge was imparted with more simplicity; his virtue was more natural: he had the glory to be the deliverer as well as the father of his country; and he escaped the unhappiness of suffering his authority to be employed in religious persecution.

A. D. 901. Alfred died on the twenty-sixth of October, in the year 901, in the fifty-third year of his age and thirtieth of his reign.

The period of a century and a half which elapsed from the death of Alfred to the permanent establishment of a foreign family on the Anglo-Saxon throne, is occupied by the reigns of fourteen kings, of whom ten were of the royal family of Wessex, and of the posterity of Alfred; three were Scandinavians, who during thirty years mastered their Saxon neighbours; one was a powerful lord who paved the way for the Norman invader by an assumption of the crown without the descent from Cerdic, or the fabulous pedigree from Odin, to which the choice of a Saxon king had hitherto been limited. There are few events in this period which can be particularly related in this brief narrative; but it was distinguished by some remarkable transactions, of which, as they were productive of lasting and grave consequences, a summary statement is necessary. These are, principally, the rise and progress of the ecclesiastical power in spite of divisions among the clergy; the

struggles of the Scandinavians, who had colonised the northern and eastern counties, to wrest the remainder from the house of Wessex; and the gradual connection and intercourse with Normandy, which silently prepared the Saxons for a change of dynasty. As that revolution in the reigning family was followed by extensive mutations of laws, language, property, and manners, it will be proper to close this period by a short account of what may be stated with probability on the dark and disputed subject of Anglo-Saxon government and society. A. D. 901. to 1066.

The only institution of the civilised Romans which was transmitted almost entire into the hands of the barbarians was the Christian church. However imperfect their conversion might be, it was sufficient to guard that venerable establishment from overthrow. The bishops succeeded to much of the local power of the Roman magistrates: the inferior clergy became the teachers of their conquerors, and were the only men of knowledge dispersed throughout Europe: the episcopal authority afforded a model of legal power and regular jurisdiction, which must have seemed a prodigy of wisdom to the disorderly victors. The synods and councils formed by the clergy afforded the first pattern of elective and representative assemblies, which were adopted by the independent genius of the Germanic race, and which, being preserved for many ages by England, promise in the nineteenth century to spread over a large portion of mankind. The ecclesiastics only had any acquaintance with business; they only could conduct the simplest affairs with regularity and quiet; they were the sole interpreters and ministers of whatever laws were suffered to act, or felt to exist. To these powerful means of influence must be added the inexhaustible credulity of the superstitious barbarians, disposed to yield a far more blind deference than the enquiring Romans had ever paid to their priesthood. A gorgeous worship dazzled nations who scarcely rose above the senses. The pretensions to miraculous power lent the clergy

A. D. 901. to 1066. extensive aid, for which they were one day to pay a high price in the general unbelief to which these pretensions gave rise in less docile and acquiescent times. All the other institutions of the empire were worn out. Christianity, however, altered in its doctrines, was still a youthful and vigorous establishment; and the power which it speedily exercised in blending the two races by gradually softening the ferocious courage of the Germans so as to render it capable of union with the reviving spirit of the Roman provincials, afforded an early instance of its efficacy in promoting and securing civilisation. It must be added, that the Christian clergymen of that age surpassed their contemporaries in morality, which never fails in the end to resume some part of its natural authority over the most barbarous and even the most depraved. By these and the like causes the clergy were raised to an extraordinary influence, and had the utmost means in their hands to serve and to injure society. In the beginning, the benefits of their power outweighed its evils. It was long mixed and doubtful: had it not been curbed, it would have been at length fatal to the exercise of reason and to the authority of civil government.

The contests of the state with the see of Rome belong to a later period. It is at present only necessary to observe, that to their communion with the patriarchal church, which, from the earliest period had been venerated as the mother of the western churches, the European clergy were indebted for the uniformity of opinion, the occasional infusion of some scanty knowledge, and the unity of means as well as identity of purpose, which converted them into a well disciplined army, whose most distant movements corresponded with and supported each other.

The imposition of celibacy on the western clergy, which was scarcely completed before the ninth century, requires some attention on account of its influence in England, and affords general instruction, as an example of the extent to which the effect of regulations disap-

points human expectation. The writings of the earliest Christians contain general panegyrics on celibacy, which cannot be reconciled to reason, though they may be excused in an age when the moral relations of the sexes, of which the principle is at this day little understood by many of those who most feel the obligation, were so unsettled as continually to vibrate between the most extreme points of extravagant austerity and gross licentiousness. The apostles naturally and seasonably advised their brother missionaries, and even their defenceless followers, to forbear from giving such hostages as wives and children to their merciless persecutors. In more secure situations it was not without apparent reason hoped, that an unmarried clergy would have more means of succouring their brethren, more leisure for their studies and their duties, a heart less diverted from religious feeling by worldly cares, and by holding out a signal example of a constant victory over their passions, might add force and weight to all their exhortations. The peculiar repugnancy of the Christian morals to sensuality promoted the observance of celibacy, and gave rise to dangerous exaggerations. Some were so misguided as to interpret language intended only to lift the soul from wallowing amidst the senses as a discouragement of those unions which are "a discipline of humanity." Celibacy was first celebrated as a virtue, it was afterwards enjoined on priests as a moral duty. Before the end of the fourth century, some churches enforced it as a rule of ecclesiastical discipline. Some councils had forbidden the ordination of men who were married; and marriage after orders seems to have been generally blamed from the middle of the fifth century. The general practice of the West then resembled the present practice of the Greeks, among whom bishops were interdicted from wedlock, and priests were allowed only to keep the wives whom they had espoused before ordination. A virtue prized so highly by the fathers of the church, a duty of which the observance seemed to add to the dignity and authority of religious instruction, came to be esteemed one

A. D. 901. to 1066.

A. D. 901. to 1066. of the most sacred and venerable of ecclesiastical usages long before it was raised to the character of an universal law of the Latin church.

It soon, however, afforded an example of the vanity and peril of stretching the rules of duty beyond the boundaries of nature. Several sects in the first and second centuries of Christianity had passed through visions of perfection to licentious manners. The compulsory celibacy of the clergy drove them into the same road, though it did not push them so far. The prohibitions of councils every where attest the prevalence of concubinage; which, in many countries, was considered as a sort of inferior marriage, and which the clergy had many means of concealing, or of speciously disguising. In the West it was altogether impossible that many of a body of men, newly forbidden to form connections, which all around them cherished, and which had been among themselves once regarded as lawful and sacredly binding, not trained to subdue their passions by a rigorous education, remote from the inspection and censure of all those whose disapprobation they dreaded, should not abuse their boundless power over the ignorant, uninquisitive, submissive people, among whom they were dispersed, by the indulgence of a profligacy still more undistinguishing than concubinage. The manners and morals of the European clergy may be in some measure estimated from the state of Rome in the ninth and tenth centuries, under a succession of popes, either pageants or monsters, who commonly owed their rise and downfall to crimes. The unnatural restraint, which thus ended in a general dissolution of manners, had also the effect of strengthening the ecclesiastical power, and of tempting the clerical leaders to abuse their strength. They soon perceived that by excluding the clergy from marriage, their connection with society was loosened, and the affections which might balance their attachment to the interests of their order were weakened. Domestic relations no longer restrained the ambition of a body, whose members throughout Chris-

tendom were already linked together by stronger ties than those which united them to their countrymen, and who were more firmly attached to the papal throne than to that of their own sovereigns. Thus it appears that an institution formed by pure feelings was seized by ambition as one of its most effectual instruments; that the pursuit of unattainable austerity terminated in more than common licentiousness; and that those who were appointed to preach peace and charity became turbulent and insatiable usurpers. It is not to be forgotten that during the whole of this corrupting process it was mightily aided by those arts of self-delusion which brought the clergy themselves to regard the power of their body as the only restraint on lawless violence, and to believe that their own grandeur was inseparable from the promotion of religion and the well-being of society. The struggle at that time often was, and perhaps generally seemed to them to be, between those who appealed only to brute force, and those who professed to derive their power from law, morality, and religion. The clergy condemned in others those crimes of ambition which they scrupled not themselves to perpetrate, always with scandalous inconsistency, but by no means always insincerely. A. D. 901. to 1066.

They became regardless of their duties, and by the scandal of their lives gradually lost much of their ascendency over the people. The eyes of the most ignorant began, in time, to be opened to their vices. An event then occurred which has since been repeated several times among the nations of Christendom.

The religious principle, when deprived of its nourishment by lukewarmness and indolence, still more when offended by open profligacy, calls up more zealous and active labourers to supply the place of a vicious or even of a cold and formal clergy. Such substitutes in the times of which we speak were found in the monastic orders. These singular bodies of men originated, as is well known, in that passion for the undisturbed and solitary contemplation of supreme excellence, which in the early

A. D. 901. to 1066. ages of Christianity peopled the desert of Egypt with pious hermits, and which had indeed before that era led some of the more devout and contemplative Hebrews into the same seclusion. But the Christian recluses sought a solitude more impenetrable than the Essenians, and adopted a system of self-infliction, of which the continuance was less dependent on themselves than the austerity taught by Philo to his Alexandrian followers. The very place of their retirement involved rigorous privation, and excluded the ordinary opportunities of vice; but they added new means of extinguishing every appetite which could disturb their exclusive devotion to the contemplation and worship of God. Such practices, it was even then owned, might be unfit for adoption by mankind in general; but a chosen few, initiated in mysteries and enured to pious exercise, might serve others as well as preserve themselves by the pursuit of virtues too sublime for the multitude. About the middle of the fourth century, Pacomius and Antony collected them together in monasteries; bound them to perseverance by vows; prescribed laws for their good government, and established superiors who were to be elected by the monastic community, but were armed with power to protect the religious from their own infirmities. From that time their life was considered as more holy than that of a worldly clergy; the monasteries of the desert, probably then as now, guarded them from wandering robbers; and the longing for inaction which easily steals on us in the languor of a sultry climate contributed to increase their number. The most eloquent of the Christian fathers who visited these solitudes spread every where the praises of so sacred a life and of a repose so serene. Monasteries gradually arose in inhabited countries, at first in sequestered spots, where the industry of the monks reclaimed the land from its unproductive state, and set the first example of well-conducted husbandry after the Teutonic conquest. The first celebrated monastery of the West was that of *Monte Cassino*, in the Neapolitan territory,

founded about the year five hundred and thirty, by Benedict, a native of Mursia, in the Apennines, who gave laws to his new order. They spread rapidly in the West, and ventured, at length, to settle in towns, where the religious might by their severe rule be guarded from the contagion of the world; while their instruction and their example might be beneficial to less perfect Christians. In the beginning the monks were mere laymen, and holy orders were rarely, if at all, conferred on them. Near a century and a half after the first collection of the Egyptian hermits into monasteries, Gregory * the Great, himself a monk, who wrote the life of St. Benedict and the relation of his miracles, though he allows that sometimes priests may become monks, and monks may receive holy orders, yet he considers both as rare exceptions, and declares the spirit of the church to be, that clerks being destined to the public service should not retire from it into monasteries; and that monks should not come among the clergy, because they are bound to live in a profound retirement, which is not compatible with the active and public duties of ecclesiastics. But in spite of the jealousy of the secular clergy and of the frequent decrees which forbad preaching or administering the sacraments by monks, the sanctity of their lives, the power of their better discipline, and somewhat of a superior education, gained a general estimation, which called them to the pulpit and the altar.

Hence the first ecclesiastical dissensions among the converted Saxons. They did not break out in the reigns which immediately followed Alfred. For more than fifty years our scanty information is confined to wars with the Celtic tribes, and with the Danish colonists or invaders. Under Edward the Elder, the son of Alfred, the most 901.
remarkable person was Ethelfleda, the king's sister, on whom the mantle of her father descended. She is called "the lady of Mercia" by the ancient chroniclers, having ruled that extensive province, with an equal character for

* Born, probably, about 540; died pope, 604.

valour and wisdom, during the greater part of her bro-
A. D. ther's reign. Athelstan, the son of Edward, probably by
925. a concubine, found in that circumstance no serious obstacle to his succession at a time when the distinction of natural from legitimate children was faint.

934. A confederacy was formed against this warlike prince by
or the Britons, who occupied the western coast, by the Scots
938. from the mountains of the north, and by the Danes, the inhabitants of the eastern coast from Tweed to Thames, aided by adventurers of the same race from Ireland, and by crowded squadrons of freebooters from Scandinavia. He completely routed these confederates at a place called Brunnanburgh, of which the situation is unknown. His victory was celebrated in an Anglo-Saxon poem, still extant, the earliest of the few metrical materials of English history: the renown of the battle has preserved the remembrance of it in the legends of the defeated Scandinavians.* It was literally adopted by the Saxon annalists, and Latin versions of it were inserted in the writings of the Anglo-Norman historians. A translation, made by a schoolboy in the eighteenth century, of this Saxon poem of the tenth century, into the English of the fourteenth century, is a double imitation, unmatched, perhaps, in literary history, in which the writer † gave an earnest of that faculty of catching the peculiar genius and preserving the characteristic manner of his original, which, though the specimens of it be too few, places him alone among English translators. The battle of Brunnanburgh was followed by the subjection of the Danes in the north and east, and by such submissions from the British and Scottish chiefs as might justify Athelstan in substituting the title of king of Britain for that of king of England, which appears to have been occasionally employed by Alfred. His reputation extended through Christendom. His sister, the queen of France, found an asylum for twenty years at his court, with her son, till he was restored to a nominal

* Angli hoc prælium unum censuerunt inter maxima et acerrima quod unquam cum Normannis aut Danis commiserunt. — *Langebeck, Rerum Danici Script.* xi. 419.

† Right Honourable John Hookham Frere. — *Ellis, i. Specim. of English Poetry,* i. 52.

royalty, which soon after passed away from the descendants of Charlemagne. *

Haco king of Norway, and Alan king of the Armorican Britons, were sheltered at his court, and restored by his aid or influence. With Athelstan the vigour of the West Saxon government expired. The reigns of Edmund the Elder and of Edred, the legitimate grandsons of Alfred, were passed in resistance, with various success, to the revolts and invasions of the men of the north. A. D. 941.

Though religious men had been collected in monasteries in Britain from the landing of Augustin, there is no satisfactory evidence of any monastic rule, either there or in any part of the West, more ancient than that of Benedict. It was not till the accession of Edwin, eldest son of Edmund the Elder, that the monks began to signalise themselves as a zealous, powerful, and ambitious body. Dunstan, their leader, one of the most conspicuous personages of Saxon history, after being long an object of unmingled panegyric among the monastic writers, who alone had leisure and learning for the composition of history, has since that time been treated with unwarrantable severity by protestant historians. Of noble birth, and said to be connected with the royal family of Wessex, he embraced the rule of St. Benedict with the same ardour which he had before shown in the business and pleasures of common life. His temperament was that of most earnest and zealous reformers, who have been exasperated by resistance and persecution: his personal disinterestedness and austere manners disposed the multitude to applaud the harsh discipline which he enforced and the cruel chastisements which he either advised or countenanced. There is no reason to suspect his sincerity; but the extension of his own power, and that of his order, doubtless mingled itself with zeal for the service of God and man; and the secret enjoyments of pride and ambition soothed the irritation which the renunciation of pleasures more openly immoral is apt to beget in passionate natures. To be very scrupulous in the choice 955.

* He was called from his residence in England Louis d'Outremer.

of means is a very rare virtue in such enterprises, in such times, and in such men. It is unjust to make him answerable for the miracles which the credulity of his admirers has ascribed to him.

A. D. 946. Having fallen into disgrace in the reign of Athelstan, he regained his influence in that of Edmund, and at a very early age became the chief counsellor of Edred, the last grandson of Alfred. To enforce clerical celibacy, to reduce all the monasteries to the rule of St. Benedict, and to expel at least all the married clergy from canonries and prebends in cathedrals, that they might be succeeded by Benedictines, were the three main objects of his ecclesiastical policy. The result would have been a conformity of the English clergy to the law and usage of Christendom. Unless the clergy conformed to the first two regulations their conduct seemed to be altogether set free from rule. It must have appeared to Dunstan that he was engaged in a contest against licentiousness struggling to throw off laws conducive at once to purity and order. On the other hand, it is to be remarked, that the unnatural interdiction of marriage is universally owned to have fallen into inobservance since the Danish wars, which had reigned for more than a century. As many parts of England were converted not long before that time, it is unlikely that the ancient liberty could have been so soon extirpated: the prohibitions and censures lavished on clerical marriages in the earlier times of the Saxons, if they prove the illegality of such unions, at least equally attest their prevalence. A natural liberty, thus sanctioned by general usage of more than a century, and by many examples in the former times, must have been considered, by a clergy not prone to historical or legal enquiry, as an established and inviolable right. The monks, who had enjoyed uncontrolled liberty, shrunk from a foreign and unknown rule, and it seemed unjust to deprive the seculars of their revenues from cathedrals, to which the habits of their life were adapted. But the reformer was too impetuous, or too ambitious of the honour of completing his own reformation, to submit to a

gradual execution of his projects: although, if suddenly effected, they must have cruelly affected the greater number of churchmen, and reduced multitudes of women and children to shame and beggary. He made some pro- A. D.
gress in the reign of Edred; but in that of Edwy, or 948.
Edwin, the great-grandson of Alfred, he met a formidable resistance, and was involved in transactions which render his character to this day a subject of doubtful 955.
disputation. That prince had either formed an illicit connection or contracted a marriage forbidden for consanguinity *, with Elgiva, a lady with whom he was so enamoured, that, on the festival of his coronation, while he was entertaining the most distinguished chiefs of his people, he suddenly burst from his royal seat, and went to the chamber of Elgiva, leaving his assembled nobles to their own carousals. † Dunstan rushed after him, broke into his privacy, and brought him back in triumph to the festival, with an unseemliness more displeasing to the feelings of refined men than to the angry and heated spirits of the Saxon nobles. Elgiva, whether wife or mistress, naturally incensed, procured the banishment of Dunstan. In his absence, Odo, archbishop of Canterbury, sent armed men, who tore her from her husband's residence, and carried her a prisoner to Ireland, where her face was branded with red-hot irons, in order to destroy her fatal attractions. When her wounds were healed she returned in all her beauty; and being found at Gloucester by bands of the opposite party, who hamstrung her, she was soon released from her sufferings by death. There appears no proof that the archbishop, far less Dunstan, who was in Flanders, gave any orders for these atrocities, which, however, were perpetrated by their adherents and praised by their encomiasts.

Edgar, the second son of Edmund the Elder, sup- 959.
ported by the Northumbrians and Mercians, made war

* The Saxon Chronicle, 958., grounds the divorce by archbishop Odo on consanguinity. Simeon of Durham, an ancient and creditable chronicler, adopts the cautious alternative suggested in the text. — *Decem. Script. post Bed.* 157.

† Linquens læta convivia.

against his unpopular brother; and the contest ended in a sort of partition, which left only the territory southward of the Thames to Edwin: whether with any nominal acknowledgment of the superiority of Wessex is not known; for though Edgar was styled king of Mercia, it was common in that age to apply the term king to subordinate as well as to supreme chiefs. The death of Edwin, however, occurring soon after, opened the peaceable possession of the whole Anglo-Saxon territory to
A. D. Edgar, who embraced the cause of the monks, recalled
960. Dunstan from exile, placed his chief confidence in that celebrated leader, and raised him to the see of Canterbury; a station in which he carried on his designs with redoubled vigour.

The successful wars and insolent triumphs of Edgar rendered his government popular; and the world is not even yet so wise as to consider such success as dishonourable to a prime minister, even though he should be an archbishop. The manners of the king, in spite of his zeal for the church, were openly licentious. On one occasion, when he had carried away a nun from her convent to be his concubine, Dunstan interfered with a courage which absolves him from the charge of reserving his reproof of vice for his inferiors or his enemies; although the severity of the penance may awaken a suspicion that he was not displeased at so fair an opportunity of humbling temporal
977. greatness. Two national synods were held at Calne and at
978. Winchester:—at the former of which, when Dunstan, in a debate with the seculars and regulars, declared "that he should commit the cause of the church to God," the floor fell instantly down where his opponents were placed, while the part which he, perhaps also his partisans, occupied was uninjured. If Dunstan interpreted an accident as a Divine judgment, he was guilty of a daring presumption, which has been too frequently copied by all Christian parties. But a belief, however arrogant and uncharitable, that Providence interposes for the destruction of our enemies, implies no assumption of miraculous power. The supposition that means of working an

apparent miracle were prepared seems to be incredible. A. D.
Too many men for secrecy must have been employed 978.
in it; too exact a coincidence in time with the words of Dunstan was necessary to give it a miraculous character; and it made his own safety and that of his friends too dependent on a nicety in execution scarcely practicable in much more favourable circumstances. The scene was too conspicuous, the facilities of detection too obvious, and the persons destroyed or injured too numerous and powerful. At Winchester, a voice from a crucifix is said to have declared for him. Though contrivance on this occasion be more practicable, yet we must not charge him with such an imposture on the authority of injudicious or unprincipled admirers. The occasional coincidence of an extraordinary accident with the denunciation of a zealot; the sudden deaths which occur in some distempers; the unaccountable recoveries in others which astonish the skilful; the illusions of sight; the shades by which dreams sometimes fade into waking visions; the disturbance of the frame from long abstinence, and from the stimulants incautiously taken to relieve it, together with a permanent state of mental excitement, sanctioned by the firm faith which then prevailed in the frequent and ascertainable interpositions of Divine power; are sufficient to relieve us from the necessity of loading the teachers of our forefathers with a large share of fraudulent contrivance and unmingled fiction. The progress of a tale of wonder, especially when aided by time or distance, from the smallest beginning to a stupendous prodigy, is too generally known to be more particularly called in aid of an attempt to enforce the reasonableness of dealing charitably, not to say justly, with the memory of those who diffused Christianity among ferocious barbarians.*

The second marriage of Edgar, if we may believe

* The apology of Hooker when he was charged with excessive charity to his Calvinistic accuser Travers, for asserting "that God was merciful to save thousands of our fathers living in popish superstition," is one of the most eloquent passages of that great writer. — *Hooker's Answer to Travers, and Discourse of Justification.*

some of our ancient writers*, was attended with horrible consequences in his family, which probably contributed to the downfall of the West-Saxon dynasty. Hearing much of the beauty of a young and noble lady, named Elfrida, he sent one of his earls, Athelwold, to observe her, and report whether she deserved her reputation. The earl became himself enamoured of the beauty, wedded her, and represented her to the king as unworthy
A. D. of his favour. Edgar, suspecting the truth, insisted on
970. an interview with her, and, fascinated by her charms, caused Athelwold to be murdered, and became the husband of Elfrida.

975. At the death of Edgar the succession was disputed between Edward his eldest son and Ethelred the son of Elfrida. The recommendation of the late king and the authority of Dunstan appear to have determined the election in favour of Edward. During his minority the country was distracted by the disputes between the adverse ecclesiastics. The chiefs of the greater provinces, as independent under their new titles of dukes and earls as under their former designation of kings, took different sides. The ruler of Mercia expelled the monks. The chief of East-Anglia espoused their cause. Elfrida took the part of the secular clergy, as Dunstan had secured the succession to Edward, and solemnised his
979. coronation. That unfortunate prince in one of his hunting parties paid a visit to his young brother Ethelred at Corfe Castle, in Dorsetshire, the residence of Elfrida. She received him with apparent kindness; but by her orders, at the moment when he was raising a cup of wine to his lips, he was mortally stabbed in the back. "No worse deed than this had been committed among the people of the Angles since they first came to the land of Britain." †

* William of Malmsbury, who might have known the counsellors of Edward the Confessor, relates the incident on the authority (not to be despised) of a Saxon song. The same story is told by a later chronicler, called Brompton, Dec. Scrip. 865., at great length, and with particulars characteristic of barbaric manners.

† Sax. Chron. 978. Edgarus jussu novercæ suæ Elfthridæ reginæ in loco qui *corvesgeate* dicitur a suis injustè occisus, et apud Wareham, non regio more, sepultus. — *Sim. Dunelm.*

The reign of Ethelred was the saddest that the descendants of Alfred had seen. All domestic broils and ecclesiastical controversies were lost in the attempts of the Northmen to seat their chiefs on the Saxon throne. For more than a century they had formed the population of Northumberland and East-Anglia. In that long time they were gradually blended with their Saxon neighbours. The languages, originally kindred, were melted into each other; and we can now trace no difference between them but in some change of style among the Saxons, and in some peculiarities of dialect which still subsist in the Danish provinces. Their ancestors were of the same race, and might have been neighbours in their original seats. Possessing so large a portion of the country, and assured of aid from their Scandinavian brethren, they were encouraged by the state of the Saxons to endeavour to give a king of their own race to England, which they at length regarded as their country. In the mean time some degree of civilisation began to dawn in the North. The multitude of small chiefs who had covered the land with rapine and the sea with piracy, were reduced to some obedience by the conquerors, who began to found considerable states. Piracy was abated and mitigated. It is even said that some generous adventurers, in imitation of the knights of the South, had established a species of maritime chivalry, and devoted themselves to the protection of the weak against the remaining pirates: they were now on the eve of conversion to Christianity, and consequently of reception into the society of civilised nations. Scandinavia, however, still abounded with warriors who regarded peace as a state of disgraceful inaction, and war as the sole theatre on which the human faculties can be nobly exercised: their utmost reformation reached only far enough to raise the object of their expeditions from the plunder of the defenceless to open war. A. D. 979.

In the earlier years of Ethelred the struggle commenced between the two races of the inhabitants of England. The superiority of the Saxons in art and wealth was for a A. D. 991.

time compensated by the inexhaustible aid which their opponents drew from Scandinavia, now almost united under one king paramount. The Saxon people continued faithful, though dispirited. But the defection and treachery of several of the provincial chiefs, especially of Elfric earl of Mercia, seem to indicate a growing familiarity between men of rank in both nations, and a disposition to regard the war as the contest of two national parties for the mastery. Three times did Ethelred purchase a momentary respite from their ravages by large bribes, which served to insure their return. In the midst of these ignominious submissions the archbishop of Canterbury, a prisoner in the Danish camp, acted with a magnanimity more signal than that which patriotic fiction ascribed to Regulus. They offered to release him for a moderate ransom, if he would promise to advise Ethelred to give them large sums of money as a largess. "I have no money," he answered, "and I will not advise the king to dishonour himself." He resisted their importunities, and even refused from his brethren the means of ransom, declaring that "he would not provide Christian flesh for pagan teeth by robbing his poor countrymen to enrich their enemies." The barbarians, inflamed by intoxication and impatient of further delay, dragging him before a sort of military council, cried out, "Gold, bishop, gold!" Finding him unshaken, they assailed him with bones, horns, and jaws, the remains of their feast. He fell to the ground half dead, and received a mortal wound from a freebooter whom he had himself baptized. Ethelred retained bands of Scandinavians in his pay, who being of the lower classes, whose national feelings are the strongest, were most likely to be carried away from him by the stream of their brethren. The irruptions into the Saxon territories were indeed so frequent, that many invaders were probably left by every northern squadron among their resident countrymen. Olave, king of Norway, canonised for having by no mild means converted his subjects, though he had been baptized by the archbishop of Canterbury, landed in England

with a freebooting army; but having received confirmation from Ethelred's prelates, thenceforwards renounced these expeditions. Sweyn, the superior king of Denmark, rendered them formidable by taking the command of them. The year 1002 was remarkable for the king's marriage with Emma of Normandy, which not long after became of historical importance; for one of the treaties or truces, accompanied by a great largess, which could have been intended only to lull the invaders into security; and for a royal order while they were in that state to massacre all the Danes, under the common pretence that these last harboured the like design against the king and his nobles. The order could comprehend only the Danes in the Saxon territory. But within that country it appears to have embraced Danes of every age and sex; and if it was more limited in practice, it was owing only to those difficulties which often render the execution of extensive projects, good or bad, inadequate to the conception. The language of the ancient writers, in speaking of the horrors of this massacre, is vague. A single fact may serve as a sample. Gunhilda, the sister of Sweyn king of Denmark, who had married an English earl, was put to death after her husband and her young son had been slain before her eyes. It is difficult to trace the secret links that unite cowardice with cruelty; but experience seems to prove, that though the valiant are often not merciful, the pusillanimous, if forced into war, are more apt to become ferocious: whether it be that they find a compensation for being humbled by the brave, in the infliction of pain on the weak; or that those who feel most suffering from conflict naturally practise the most terrible retaliation; or that the consciousness of the disgraceful vice of cowardice renders men less sensible to the honour which generous minds and civilised times reserve for the union of clemency with prowess.

Neither successive donatives, nor the formal cession of sixteen counties, had much effect in softening the fierceness of hostility. The Danish army, who occupied

London in 1012, inflamed by intoxication, murdered the bishop with circumstances of brutish savageness. "They led him to the camp and there pelted him with the bones and skulls of cattle, till one of them, more merciful than the rest, struck him to the ground with an iron axe."* We gather a few particulars of the sufferings and degradation of the Saxons from a sermon by Lupus, a Saxon bishop. "Such is their valour, that one of them will put ten of us to flight: two or three will drive a troop of captive Christians from sea to sea. They seize the wives and daughters of our thanes, and violate them before the chieftain's face. The slave of yesterday becomes the master of his lord to-day. Soldiers, famine, flames, and blood, surround us. The poor are sold far out of their land for foreign slavery. Children in the cradle are sold for slaves by an atrocious violation of the law." We should more pity these miseries if we did not bear in mind the preceding massacre of the Scandinavians. We do not, indeed, trace in our scanty information that these cruelties were measures of retaliation, or that any peculiar abhorrence of the massacre was professed by the Northmen. But in contests between beasts of prey it is hard to select an object of compassion. Let those who consider any tribes of men as irreclaimable barbarians call to mind that the Danes and Saxons, of whose cruelties a small specimen has been given, were the progenitors of those who, in Scandinavia, in Normandy, in Britain, and in America, are now among the most industrious, intelligent, orderly, and humane of the dwellers upon earth.

Treachery surrounded Ethelred. Jealousy and animosity divided his councils. He sent the queen and his sons to the court of Normandy, where he also soon took refuge, and continued until the death of Sweyn. The Danish army in England chose Canute to succeed his father in 1014. The Saxon chiefs, with their wonted inconstancy, recalled Ethelred, whom their disunion and desertion had banished a few months before. A contest

* Sax. Chron. A. D. 1012.

ensued, in which both parties equally oppressed the miserable people. Ethelred renewed his former practice of delivering himself by murder from those of his chiefs whose conduct he resented, or whose designs he distrusted. Canute maintained his superiority in open warfare. At the death of the miserable Ethelred, his son Edmund, surnamed Ironside, was chosen king by the English, and during his reign (if it may be so called) of a few months gave proofs of gallantry and vigour worthy of a happier issue. He was compelled to be contented with the country south of the Thames; and his death, which occurred in the end of November, 1016, is ascribed by some to the procurement of Canute. Certain it is, that it removed every obstacle to his authority over the whole territory of the two nations. The ascendant of the Danes was established from the accession of Ethelred. The period of their regular and general sway began with Canute in 1017.

That extraordinary chief assumed to himself the direct administration of Wessex, and, according to the usage of the Saxons, established chiefs with the titles of dukes and earls; but, probably, with the same undefined power as the former kings, in Northumberland, in Mercia, and in East-Anglia. With a view to conciliate the Saxons, he obtained from the duke of Normandy in marriage Emma the widow of Ethelred, in a manner, says an Anglo-Norman historian, equally disgraceful to the duke and his sister.

Canute combined the great qualities of a sovereign with the hereditary barbarity of his race. In 1019 he subdued Sweden and Norway, or reduced their chiefs to dependence. In his government of England the character of the conqueror at first prevailed. He caused several Saxon princes to be murdered. Edwy, king of the Ceorls, a title which it is not easy to understand, was of the number, and is said by some to have been a prince. The wise ruler gradually emerged from his original barbarism. He sent back the greater part of the northern army to Scandinavia. By the profession of Christianity he removed

the main barrier between his English and his Danish subjects. By fixing the seat of government in Wessex he held himself out as lawfully chosen to succeed the descendants of Alfred. Though his administration was harsh, he neglected no means of giving it a native colour. He even composed songs, which were sung alike by Saxons and Danes. He patronised both the Latin literature of the monks and the native poetry of the Scalds. When the fame of his northern conquests and of his peaceable establishment in England were generally spread, he visited Rome (1032) as a pilgrim repairing to holy places; and as a monarch desirous of being received as a brother among Christian rulers, and embraced as a penitent son by their common father. He obtained assurances of security for the English pilgrims who crossed the Alps. He was treated with honour by the court of Rome, who always expected more effectual aid from a conqueror, and more favourable terms for the church from a prince of doubtful title who most needed her sanction. In his journey from Rome to Denmark (a wonderful enterprise for that age) he obtained the cession of the margraviate of Sleswick, and the acknowledgment of the Eyder as the frontier of Denmark, which it still is, from the Emperor Conrad II., who claimed the station of temporal chief of Christendom. After a reign over England of twenty years, in which his equal justice gained the support of both parties, he died, 12th November, 1036, with a reputation inferior to that of no European ruler of his age. It is said that, in the zenith of his greatness, he seated himself in a chair, in the midst of his courtiers, on the sea-shore, and, as the greatest of sea kings, commanded the tide which was flowing not to advance towards him. But when he saw the vanity of his words, he piously acknowledged, that there is one Being only who can say to the ocean, "Thus far shalt thou go, and no farther." The story is somewhat extravagant; but it is less incredible as an exhibition contrived to silence extravagant adulation, than as a proof that so strong a mind could be disordered to

such a pitch by conquest and flattery. At all events, as it rests on English tradition, it serves to show the wisdom and impartiality which at length pervaded his administration.

Harold, the son of Canute, by his first marriage, being the only claimant on the spot, took possession of the throne, which he held for four years, in violation of the marriage-settlement of Emma, by which the crown was to descend to her issue by Canute. Edward the son of Ethelred came with an armament from Normandy to assert his pretensions; but receiving no assistance from his mother, he returned to Rouen.

His brother Alfred having received a letter of invitation to renew the attempt, which purported to be from his mother, yielded to what he considered as so promising a proposition. Alfred was the dupe of the forgery, which seems to have been a snare laid by Harold. He landed with a small body of six hundred men, who being taken prisoners in the night were brought out on the next morning, and ranged in a line with their hands tied behind them. Sixty of them were enlarged, a few kept for slaves, the rest were destroyed, after being mutilated or dismembered, according to the capricious ferocity of the soldiers. Prince Alfred was soon after blinded, probably by burning out his eyes; an operation which, performed by such hands, was not likely to leave any need for the aid of an assassin. On the death of Harold, in 1042, his half-brother Hardicanute, animated by his mother Emma, reigned for about two years; of which little is known, but that he attempted to punish the murderers of Alfred, and that he received Edward the son of Ethelred with kindness and honour.

After Hardicanute's death, Edward, the remaining son of Ethelred, who had passed twenty-seven years in exile in Normandy, ascended, without opposition, the Saxon throne. As the animosity between the Danes and Saxons is to be considered as the real, though often unseen, cause of those contests for the throne, which appeared to originate in the ambition of individuals, so

the final prevalence of the Saxons is to be imputed to their superiority in numbers and civilisation, and to their impatience of a barbarous yoke, which is better preserved by the history and remembrances of the more improved people.

The sons of Edmund Ironside, who had been delivered to the king of Sweden, with a charge to free the Danish rulers from rivals, were, with unwonted humanity, spared by the Swedish prince, and sent by him, for better security, to the eastern extremity of Europe, where Stephen, king of Hungary, entertained them long and liberally. At this great distance they were excluded from the throne, which might seem almost their birth-right, by the presence of Edward. The reign of that meek and feeble prince opened with an act of rigour unsuitable to its general character. Emma had offended him by her partiality for her Danish children, and by refusing to assist him in his attempt on England. She lay under the just reproach of unnatural lukewarmness at the least, towards the murderers of her son Alfred. She was sufficiently punished in being deprived of her influence. The failure of a threatened attack from Magnus, king of Norway, in 1043, removed the last Scandinavian competitor, and the irresolute character of the king, together with the growing strength of the provincial chiefs threw all substantial authority into their hands, till the most powerful person among them acquired the name as well as the title of king, which might have been transmitted to his posterity, as it was in the similar case of Hugh Capet, if that natural course of events had not been obstructed by foreign interposition.

Siward earl of Northumberland, *Leofric* earl of Mercia, and *Godwin* earl of Kent, divided the Saxon territory between them. The two sons of the last held great domains northward of the Thames; which, together with their father's power in Wessex and in London, placed them above the rest. Godwin was the son of a herdsman. According to the northern legends, a Danish chief, in a battle between Canute and Edmund Ironside,

had pursued the fugitives so eagerly, as to render his return to the army dangerous, at a moment when the Saxon peasants were so incensed against the Danish soldiers. He threw himself on the generosity of a youth named *Gudin*, whom he met driving cattle to their pasture, and to whom he offered a gold ring, for conducting him safely to his countrymen. *Gudin* declined the gift, but agreed to be the conductor of the Dane, leaving the reward to the liberality of that chief, who, with the young Saxon, reached the camp of Canute. The Dane gave Gudin his sister in marriage, and prevailed on Canute to raise him to the station of an earl. Godwin, fierce and treacherous, was generally charged with taking a part in the cruel murder of prince Alfred. He inclined, as far as ambition allowed, to the Danish party; but he actually concurred in the proclamation of Edward, and shortly after seemed to acquire new strength by the marriage of his fair and gentle daughter Editha to the king. That superstitious prince thought it a noble act of virtue on that occasion to make a secret vow of continence, in which he persuaded Editha to acquiesce*, for which he is highly extolled by the ecclesiastical moralists; as if severe purity of manners did not derive its unspeakable value from its necessity, as a preparation for those unions in which originate the ties of kindred, and the affections which first carry the heart beyond self. The ascendant of Godwin seems to have been first weakened by the crimes of his family. Godwin's eldest son Sweyn, who had been outlawed in 1044 for the violation of an abbess, returned to England, after some piratical expeditions, on a promise of pardon, which Edward was prevented from performing by Harold the brother, and Beorn the cousin, of the culprit. Sweyn affected, however, to be reconciled to them. Under the mask of friendship he found means to seize the person of Beorn, whom he caused to be murdered. In spite of these

* Ailred. De Vita et Miraculis Edwardi Confessoris. — *Dec. Script.* 377. "*De castis nuptiis e virginitate ejus et reginæ.*" Another writer says, "*ut dicunt.*" — *Gul. Gem. apud Duchesne*, 271.

crimes, the timid or insensible Edward was disposed to pardon the son of so powerful a family.

Soon after, however, the influence of the Norman party prevailed over that of the earl of Kent. Edward, it will be remembered, was the son of a Norman princess; and he had passed twenty-seven years at the court of Rouen, where he was kindly entertained, and carefully instructed: it is even said by Norman writers that Edward owed his restoration in some degree to Norman ambassadors and a Norman guard. *

The earl of Flanders opened an asylum at Bruges, his capital, for the Danish party; and the duke of Normandy was the protector of the exiled princes and partisans of the house of Wessex. Feelings of gratitude, facility of temper, and the power of early habit, combined in disposing Edward to load with favours the companions and guardians of his youth, who were, besides, better qualified than his native subjects, either for learning or business. These amiable or excusable partialities degenerated into favouritism; the only spring, perhaps, which could have roused his weak spirit to throw off the yoke of Godwin. The Normans flocked to England, where civil and ecclesiastical preferment was invidiously showered on them. Robert, a Norman, was raised to the primacy, then the office of most power in the kingdom, as well as the station of highest dignity. The family of Godwin saw the king escaping from their hands and falling into those of new masters. An affray at Dover between the townsmen and the soldiers of Eustace earl of Boulogne, who had come to the court of England to wed the king's sister, gave vent to the popular jealousy of foreigners, and is remarkable as the first conflict between Saxons and Normans. The king espoused the quarrel of his brother-in-law. Godwin assembled a considerable force, and claimed the surrender of earl Eustace and his followers to himself, as the outrage had been committed in his territory. The king or his Norman advisers implored the aid of the earls Leofric and Siward,

* Gul. Pictav. apud Duchesne. — *Script. Norm. Hist. Vet.* 181.

the latter of whom led the Northumbrian Danes to the deliverance of a Saxon king; Godwin and his sons were outlawed, and driven to their ordinary asylum with earl Baldwin at Bruges. The innocent Editha was repudiated, imprisoned, and stript of all she had, with a violence in which the king could only have been a passive tool. "Wonderful would it have been thought, if any man had said before, that it would end thus: for he (Godwin) was raised to such a height that he ruled the king, and all England: his sons were earls, his daughter was wedded to the king, and consecrated queen."* At this moment (1051), when the influence of the Normans over the king seemed to be secured by the victory of the other earls over Godwin, William duke of Normandy paid a visit to his cousin king Edward, not so much, probably, to partake the triumph, as to confirm the union of his countrymen, and to avail himself of the advantages which his politic foresight could discover, as likely to arise from the character of the king and his separation from the queen. The unpopularity of the foreigners, the imbecility of Edward, and the return of the northern earls to the distant seats of their rule, robbed the victory of its advantages, and enabled the exiles once more to re-establish their power. The general confusion now encouraged the native Britons to retaliate on the Saxons, whose territories they continued to invade during the sequel of this reign. Before the end of the next year Godwin found means to master the king, whom he obliged to outlaw archbishop Robert and all Frenchmen. Not long after he died, full of years, and of crimes. The death of Siward, a chief of Danish lineage, in 1055, enabled the family of Godwin to obtain the government of the large and warlike province beyond the Humber for the younger son Tostig, who was some years afterwards deposed by the thanes of Yorkshire for his cruelties. The king was compelled formally to confirm this deposition, and to ratify the choice of earl Morcar. In the mean time the king had abolished the imposition

* Sax. Chron. 1051.

called Danegelt, which continued to be collected as revenue long after it ceased to be paid as tribute. Edward, the son of Edmund Ironside, and the nearest in blood to the crown, who had been invited by the king to return to England, from his long and remote banishment in Hungary, died shortly after his arrival, without admission into his uncle's presence; an exclusion which the chronicler deplores, as if the ambitious Harold had forbidden Edward to indulge the affection which he manifested by the recall of the last prince of the house of Wessex. This pacific prince died on the 4th of January, 1066, and was, on the following day, interred in the magnificent church of St. Peter at Westminster, of which he was the founder, and which, as soon as he foresaw his death, he ordered to be consecrated with all due solemnity and splendour, in the last two days of his life, and in the twenty-fourth year of his reign.* His death spread general sorrow and consternation. The innocence of his life, and the gloomy prospect of civil wars and foreign rulers, are sufficient to remove all doubts of the sincerity with which he was lamented. Perhaps the virtues and vices of the eleventh century, in their most striking form and most conspicuous position, cannot be more adequately represented than by Dunstan, Canute, and Edward. It was a period of aspiring ecclesiastics and of savage rulers, — tinctured with some rudiments of the arts of war and government, where those who escaped atrocious crimes were too ignorant and base not to embrace superstition instead of religion. Dunstan was a zealous, and perhaps useful, reformer of religious instruction, of commanding abilities, of a haughty, stern, and turbulent nature, without more personal ambition, perhaps, than is usually blended with public principle, and who, if he were proved guilty of some pious frauds, might not unreasonably pray that a part of the burden of such guilt might be transferred

* In hoc denique rege, linea regum Angliæ defecit, quæ à Cerdicio primo West-Saxonum rege, quingentis et septuaginta uno annis, non legitur interrupta, præter paucos Danos, qui aliquandiu regnaverunt. — *Matth. Paris*, i.

from him to his age. Canute was a barbaric conqueror, who ruled his fierce subjects by maxims which would have been far more blame-worthy in a better age than they were in his troublous and lawless times. Prudence and moderation, if not humanity, were at length grafted on his ferocious energy, and at the last it might be said, perhaps with little exaggeration, that his vices belonged to the age, and his virtues to the man.

Edward was a royal anchorite, who, if he had been a professed recluse, or even a private man, might have been justly thought venerable or excusable, according to the various opinions and prepossessions of those who contemplated his character. But his abject superstition deprived a clear conscience of the cheerful and courageous temper which is its natural companion; his petty observances distracted his mind from the performance of the most sacred and momentous duties; his ascetic extravagances represent God as an object of slavish fear, and tend to extinguish the love of man. His administration was not his own: he was the mere instrument of the factions who for a while took possession of his person, and ruled his feeble mind. If such examples were frequent, innocence would cease to be respectable, and men might be excused for the too frequent preference of active and brilliant ambition. In contemplating these three representatives of the eleventh century, we are struck by observing how much Alfred united all their good qualities and escaped their vices. In spite of all his perfections, he was a reformer as zealous as Dunstan, a Christian as pious as Edward, and a ruler at least as sagacious and vigorous as Canute.

On the day of Edward's interment, the Saxon chiefs who attended the court at the festival of Christmas elected and caused to be crowned Harold, the son of Godwin, then *under king** of Kent, who since his father's death had governed the kingdom in the king's name. The only opposition which he experienced to this hasty

* Sub-regulus Haroldus.—*Sim. Dunelm.*

and tumultuary election sprung from the mortal hatred which raged in his own unnatural family.

His brother Tostig was the earliest competitor for the crown. Harold Hardrada, king of Norway, promised to come to his aid. William, duke of Normandy, amused him with hopes of support. He was allowed by the earl of Flanders to raise troops in that country. He landed in Northumberland, trusting that the animosity of the Danish Northumbrians against the Saxons would prevail over their remembrance of the tyranny which he himself had exercised over them. Defeated by earl Morcar, who had been chosen on Tostig's expulsion, he found a welcome reception from Malcolm king of Scotland, like most other English malecontents. Meanwhile Harold, the Norwegian, performed his promise: he landed near York with a great force, with fairer claims on the Danish race than Tostig, and after an obstinate struggle he defeated the Saxon army near York. Harold might be supposed to be fully occupied in watching on the south-eastern coast the preparations of another formidable antagonist. Dreading, however, the influence of the Norwegian over men of his own race, he adopted the bold but prudent resolution of marching northward to crush one opponent before he encountered another. So little communication or intelligence then existed, that it was easy to take armies by surprise; and many poetical incidents were then probable which in scientific wars are become impossible. When the Saxon forces were seen advancing, Tostig is said to have been asked by his Norwegian ally who they were. Tostig answered that he hoped they were his friends; but they might be his brother's army. A proposal was sent to Tostig offering him Northumberland if he would withdraw from the field. "Last winter," he answered, "such a message might have spared much blood: but now what do you offer for the king my ally?"—"Seven feet of ground," replied the Saxon officer. A bloody battle, long of doubtful issue, ensued. More than once the Northerns, animated by the songs of their king,

seemed about to prevail over their ancient foes; but the king of Norway, conspicuous by his blue tunic and shining helmet, was struck to the ground by a dart which pierced his throat. Life and peace were again proffered to Tostig; but he would listen to no terms: he was mortally wounded, and the flower of the Norwegian army was destroyed. The Saxon king facilitated the retreat of the Scandinavian leaders, that he might be undisturbed by them in the arduous struggle which he immediately expected. This battle is mentioned by our ancient writers as memorable for the dreadful slaughter which distinguished it: they did not observe its political importance as the final issue of the long struggle between the Saxons and Scandinavians for the sovereignty of England. This great victory was gained on the twenty-fifth of September, 1066. On the twenty-eighth of the same month William, duke of Normandy, landed at Pevensey, on the coast of Sussex. The short remainder of the reign and life of Harold will be best related as an incident in the story of William's expedition.

Let us now pause, to take a short view of the institutions of the Anglo-Saxons, before we proceed to relate the success of the invasion which introduced another system.

The antiquarians of the seventeenth century investigated the state of our ancient constitution industriously, and often learnedly, but aided by little critical estimate of authorities, and guided by no philosophical spirit. The greater number of these praiseworthy collectors, who began their labours at the period of the contest carried on in that century between the house of Stuart and the people of England, adapted their representation of our ancient laws to the part which they took in the momentous controversy of their own age. The contest was decided by the Revolution of 1688, but the mistaken opinions of the contending parties survived the determination. In two fundamental errors only did the Whig and the Tory antiquaries concur. They both held that the Saxon government was a well-ordered system, and that the

right of the people to liberty depended on the enjoyment of it by their forefathers. Both treated the terms which denote political and legal institutions as retaining an unalterable signification through all the changes of six hundred years; and hence both were led to believe that the same laws and government which they saw around them during the period of their controversy, from the birth of Bacon to the death of Newton, could have existed in the time of the first Saxon freebooters. The Tories represented the Saxon kings not the less as absolute monarchs, because they acted by the advice of men of sense and weight chosen by themselves; and these writers treated all the privileges of the people as either usurpations or concessions, chiefly obtained from weak princes. The Whigs, with no less deviation from truth, endeavoured to prove that the modern constitution of king, lords, and commons, subsisted in the earliest times, and was then more pure and flourishing than in any succeeding age. No one at that time was taught, by a wide survey of society, that governments are not framed after a model, but that all their parts and powers grow out of occasional acts, prompted by some urgent expediency, or some private interest, which in the course of time coalesce and harden into usage; and that this bundle of usages is the object of respect and the guide of conduct, long before it is embodied, defined, and enforced in written laws. Government may be, in some degree, reduced to system, but it cannot flow from it. It is not like a machine, or a building, which may be constructed entirely, and according to a previous plan, by the art and labour of man. It is better illustrated by comparison with vegetables, or even animals, which may be, in a very high degree, improved by skill and care, which may be grievously injured by neglect or destroyed by violence, but which cannot be produced by human contrivance. A government can, indeed, be no more than a mere draught or scheme of rule, when it is not composed of habits of obedience on the part of the people, and of an habitual exercise of certain portions of authority by the

individuals or bodies who constitute the sovereign power. These habits, like all others, can only be formed by repeated acts; they cannot be suddenly infused by the lawgiver, nor can they immediately follow the most perfect conviction of their propriety. Many causes having more power over the human mind than written law, it is extremely difficult, from the mere perusal of a written scheme of government, to foretell what it will prove in action. There may be governments so bad that it is justifiable to destroy them, and to trust to the probability that a better government will grow in their stead. But as the rise of a worse is also possible, so terrible a peril is never to be incurred except in the case of a tyranny which it is impossible to reform. It may be necessary to burn a forest containing much useful timber, but giving shelter to beasts of prey, who are formidable to an infant colony in its neighbourhood, and of too vast an extent to be gradually and safely thinned by their inadequate labour. It is fit, however, that they should be apprised, before they take an irreparable step, how little it is possible to foresee whether the earth, stripped of its vegetation, shall become an unprofitable desert or a pestilential marsh.

If these be truths applicable to all men, they are more obviously evident in the case of barbarians, where it would be peculiarly absurd to expect a lawgiver of foresight enough to provide for all emergencies, or a people so reasonable as to forego all their most inveterate habits of thinking, of feeling, and of acting, for the sake of making a fair experiment on a new system of laws and government.

The Saxon chiefs, who were called kings *, originally

* *Adelung*, the excellent German lexicographer, approves of the derivation of this word in its small variations from *konnen* to be "*able*," which corresponds to our verb "*can*." It originates in power or command. He mentions two other derivations as ingenious: one from *kind*, a child, with *ing* or *ig*, a patronymic termination, meaning a child of the royal family, to whom the choice was limited; another from *hund* or *chund*, which in some old dialects is used for a hundred, which would derive the Teutonic king from the *centeni* or hundredors mentioned by Tacitus as chosen in each *pagus* or *gau*. The first seems to be the most natural and satisfactory etymology. Ihre, the Swedish glossarist, supposes the root of *can*, as well as of all the rest, to be "*kennen*," to know, the earliest source of authority.

acquired power by the same natural causes which have gradually, and every where, raised a few men above their fellows. They were, doubtless, more experienced, more skilful, more brave, or more beautiful, than those who followed them. Their children might derive some superiority from the example and instruction of the parents, and some part of the respect which they commanded might overflow on their more distant progeny. The Anglo-Saxon kings were regarded as the descendants of Odin, — the offspring of the gods*; and when, after their conversion, this pedigree ceased to be sacred, it continued to be illustrious. The extinction of all the Odinian race, except in Wessex, somewhat contributed to the greatness of the house of Cerdic; and the total absence of this pretension may have, in some degree, conduced to the feeble resistance opposed to the Normans by Harold. A king was powerful in war by the lustre of arms, and the obvious necessity of obedience. His influence in peace fluctuated with his personal character. In the progress of usage his power became more fixed and more limited. But every act from which this usage sprung, must have been prior to law, of which it is more the office to record than to bestow such powers. It would be very unreasonable to suppose that the northern Germans who had conquered England had so far changed their characteristic habits from the age of Tacitus that the victors became slaves, and that their generals were converted into tyrants. It is, accordingly, certain that all these princes governed with the advice and consent of national assemblies, of which constituent parts it is difficult to determine with certainty, but which may be safely pronounced to be of an irregularly popular composition.† This assembly was called *Witenagemote*, a meeting of wise or knowing men. It is acknowledged that it contained

According to his account there were kings in the smallest subdivisions of the Scandinavian territory. I wish to be understood, when I speak of the derivation, as merely expressing my opinion, that two or more words are of the same family, without deciding which of them was most early used.

* *Dii Geniti.*

† The uniform language of the laws and chronicles supersedes the necessity of any citation of authority.

the prelates, earls, and many thanes, the principal proprietors of the kingdom. Its consent is recited in the preambles of the Saxon laws as necessary to their validity; indeed the repetition of the same terms for centuries, as descriptive of its members, is a proof of the stability and legality of their power. The authority of a barbarous chief needs the support of inferior chiefs, and of their influence over the multitude; for without it laws and legal commands would be more likely to be scorned than executed. Undoubtedly there is no trace among the Anglo-Saxons either of representative commoners, or of a peerage like the modern. Not only the prelates and aldermen or earls, but a great, though unascertainable, part of the thanes, the inferior nobility, or, in modern language, the gentry, were members of the *witenagemote*. A freeman, not noble, was raised to the rank of a thane by acquiring a certain portion of land, by making three voyages at sea, or by receiving holy orders. Now, if all considerable holders of land (the only wealth then known) had a right to sit in this assembly, and if all freemen might become members of this open aristocracy by various and easy means, the association of such a body with the king in making laws, and their extensive share in the disposal of the crown itself, sufficiently justify us in affirming that the Anglo-Saxons possessed the rudiments of a free and popular government. It is true, that all who had seats by ancient use did not, in later times, continue to attend. After the subordination of the other kingdoms to Wessex, and the rise of a single *witenagemote* for the whole country, it was scarcely possible for the poor, or the distant, to be present. As the privilege had been conferred by no law, disuse gradually abrogated what usage had established. The preambles of the laws speak of the infinite number of the *liegemen* * who attended, as only applauding the measures of the assembly. But this applause was neither so unimportant to the success of

* "Infinita fidelium multitudo:" "liegemen to the Dane," Shakspeare; who, with the sanction of Spenser, in prose as well as verse, may warrant the revival of this convenient word.

the measures, nor so precisely distinguished from a share in legislation, as those who read history with a modern eye might imagine. It appears that under Athelstan expedients were resorted to, to obtain a consent to the law from great bodies of the people in their districts, which their numbers rendered impossible in a national assembly. That monarch appears to have sent commissioners to hold *shire gemotes* or county meetings, where they proclaimed the laws made by the king and his counsellors, which being acknowledged and sworn to at these *folkmotes*, became, by their assent, completely binding on the whole nation. It must never be forgotten, in considering these subjects, that only acts of power against law are properly usurpations. Acts of power *before law* cannot be called by the name of usurpations, without representing the prerogatives of kings, the privileges of parliaments, and the rights of the people, alike as usurpations, which would strip the term of all meaning. Wherever there is a doubt concerning the extent of the powers exercised by these great assemblies, we must throw into their scale the weighty consideration, that the king, instead of fear or jealousy of them, felt a constant desire to strengthen every important act of his government by their concurrence.

The grand division of the inhabitants of England was into freemen and slaves. But there were many bodies of men named in the Saxon laws, and in Domesday Book, whom it is somewhat difficult to arrange in either class: they are, the bordars, cottars, &c. It is the singular opinion of a most ingenious person that the ceorles* were slaves. A profound investigator of Saxon antiquity, with much more likelihood, believes that the villains of the Saxons were not, as in latter times, slaves, but cultivators of the soil; an opinion which had long ago been embraced by Mr. Burke.† To avoid an unsatisfactory determination in a work of which the limits preclude discussion, we may, perhaps, be excused for a modest compromise,

* Churl.

† It is also the opinion of a well-informed lawyer: Heywood's Ranks among the Ang. Sax. 292—294.

which, under the name of *semi-servile*, would propose a third class of inhabitants formed of subdivisions at different distances from the two extremes, but neither absolutely equal to freemen, nor reduced to the unhappy level of slaves. At the head of the intermediate class, if not in the lowest order of freemen, stood the Saxon villains, or villagers: the dispute concerning them is, perhaps, a question more respecting the propriety of language than their actual condition. The mere attachment to the soil may be joined to so many privileges, that freedom may be more descriptive of their state than servitude. The cottars or bordars, and many of the other subdivisions mentioned in Domesday Book, probably held inferior stations in the class, who were neither freemen nor slaves. The mere slaves, called *servi* in the Latin text of Domesday Book, were known in Anglo-Saxon by the various names of "theow, esne, and thrael." * Their lives were professedly protected by law, and they actually acquired property, for they appear often to have purchased their own manumission. The sale of slaves to the continent of Europe and to Ireland was at last prohibited. This prohibition must have disposed masters more to manumission, and tended to prevent the crime of enslaving freemen. In the preamble of the laws of Alfred, we find a large extract from Moses, which, immediately after the Ten Commandments, prohibits the retention of a Hebrew in slavery for more than six years. For "Hebrew" Alfred substitutes "Christian," a change of which it is not easy to conceive the reason, unless he intended by it to apply that Mosaic prohibition and practice to his own subjects. If from its place in the preamble it loses its character as a law (a mode of reasoning too technical for the time of Alfred), it is, at all events, a legislative declaration of the injustice of perpetual bondage. In fact, manumissions appear in the latter part of the Saxon times to have been accounted acts of piety and humanity, to be earnestly recommended

* "Thrall."

by the church, and to be very frequently resorted to by dying penitents.

To determine the numbers of each of these divisions of the people, and the whole amount of the population at the close of the Saxon period, is a problem which we have not the means of solving, notwithstanding the uncommon assistance which we derive from the great survey of the kingdom made by William the Norman. It is true that Domesday Book has not yet been critically examined for that purpose. But it may be doubted whether, if it were, all our difficulties would disappear. Of the thirty-four counties examined by Mr. Turner *, four have no persons called slaves; and two of these are the extensive counties of York and Lincoln: while the proportion of slaves to the body of the intermediate class, containing villains, bordars, and cottars, was in Nottingham as one to a hundred and fifty, in Derby as one to a hundred and thirty-nine, in Somerset about one to six, and in Devon nearly one to four. Such an extreme inequality seems to indicate that this class of men had various names in different counties, or that different sets of commissioners employed in the survey varied from each other in their language. But, on the whole, if this examination be exact, it is evident that the class which was subject to the most complete thraldom was small in comparison with those who enjoyed superior privileges, whether these last be called freemen or not. As far as an average may be risked with materials so defective, and, perhaps, discordant, it should seem that throughout England the class considered here as strictly slaves were not above one out of every seven of the higher laborious classes of villains, cottars, and bordars.†

The population of England, according to Mr. Turner's tables, after the desolation of the northern counties by

* Anglo-Saxon History, iii. 284—297. This difficulty seems almost equally great, whatever sense we ascribe to the term "*servus*." It is somewhat singular that the word is wanting, not only in the two great counties in the text, but in two of the smallest counties, Rutland and Huntingdon.

† See Appendix.

the Normans, was about 1,700,000 souls. If we were to throw our intermediate class among slaves, the number of freemen would be reduced below all probability. On the other hand, as long as it is allowed that the villains, cottars, and bordars were bound by their tenures to serve their masters in agriculture, there is no improbability in the small number of those reduced to the lowest slavery.

The distribution of the Anglo-Saxons into these several classes affords a considerable insight into the spirit of their institutions. The punishments were commonly pecuniary; and in the case of murder, the amount, which was partly levied by the state as a penalty, and partly granted to the family of the parties as a satisfaction for their loss, was proportioned to the rank of the murdered man.

The *Were* paid for killing the king was thirty thousand thrymsas; that for a prince one half; that of an alderman or earl, and a bishop, eight thousand; that of a thane two thousand; and of a ceorl two hundred and sixty. It may be shortly stated that the Saxon pound of silver, which weighed five thousand four hundred grains troy weight, and contained forty-eight Saxon shillings, each of which weighed one hundred and twelve such grains, each shilling being equal to five Saxon *pence*, and a thrymsa to three such pence.* As the Anglo-Saxon pound troy was equivalent to forty-eight shillings, while the same quantity is at present coined into sixty-six, the silver in the more ancient shillings surpasses that in the modern by about one fourth; more exactly, it may be stated that a Saxon shilling contained one hundred and twelve grains of silver, and our present shilling eighty-seven grains. As, however, these denominations of coin might originally not have been of the same weight in all the Saxon principalities, and as we know that their princes resorted to the thriftless expedient of debasing money, it is perhaps impossible to reconcile all the parts of the Saxon law

* Hen. Hist. Great Brit. iv. 246, &c.

which relate to coin. For instance, while in Wessex, which, as the predominant kingdom, has here been chosen, the pound was equal to forty-eight shillings, the same quantity of silver was, in Mercia, the equivalent of sixty shillings; so that the Mercian shilling was four pennies, when the West Saxon shilling was five pennies. With this caution, another mode of describing the *Were* of all freemen below the alderman or earl may be stated. *Twy-hinds* or ceorls, whose *were* was two hundred shillings; *twelf-hinds* or thanes, whose *were* was twelve hundred shillings; and *six-hunds*, an unascertained class, corresponding, probably, to the *Ingenui* of some continental codes, whose *were* was six hundred shillings.* It is still more difficult to compare the power over commodities and labour possessed by certain quantities of silver at that time, with the like command in our age. But neither of these tasks is incumbent on us. To approximate to the comparative value of different coins in the Saxon period is sufficient for our purpose, which is chiefly to show the political character of penal legislation among the Saxons. That the murder of the king should be atoned for by a larger fine than that of a subject, a fine not four times greater than on the murder of the governor of a county, is a symptom of a temper more disorderly than slavish, and, to use the words of the great monarchical historian, "a sensible proof of the subordination of the king to the community." † Other popular institutions display the same spirit. The meetings of the people at the courts for shires, hundreds, and tithings, at which the humbler classes were necessarily more important than in the national assemblies, contributed still more to cultivate the

* "Servi, alii casu, alii genitura liberi, alii tuyhindi, alii sixhindi, alii twelfthindi tuyhuns, cujus wera est cc. sol. Twelfthind. est homo plene nobilis et thainus, cujus wera est duodecies c. sol."

† The Anglo-Saxon government inspired the philosopher with those noble feelings of liberty which exalt his style above its general beauty "At the Teutonic invasion," says he, "Europe, as from a new epoch, rekindled her ancient spirit; and if that part of the globe maintain sentiments of liberty, honour, equity, and valour, superior to the rest of mankind, it owes these advantages chiefly to the seeds implanted by those generous barbarians." — *Hume*, i. *App.*

generous principles of equal law and popular government; and though trial by jury was then unknown, it cannot be doubted that the share of the people in these courts, where all ordinary justice was administered, must have led the way to that most democratical of juridical institutions. It is an ingenious and probable conjecture that the smaller of these courts produced the assembly immediately above it in regular order, from the folkmote of the hundred to the witenagemote of the Saxon nation. In their original seats, indeed, we learn from Tacitus that there were *hundredors* in the districts as well as in the supreme assemblies of the whole people.

From the Anglo-Saxons we derive the names of the most ancient officers among us; of the greater part of the divisions of the kingdom, and of almost all our towns and villages. From them also we derive our language; of which the structure, and a majority of its words, much greater than those who have not thought on the subject would at first easily believe, are Saxon. Of sixty-nine words which make up the Lord's Prayer, there are only five not Saxon;—the best example of the natural bent of our language, and of the words apt to be chosen by those who speak and write it without design. Of eighty-one words in the soliloquy of Hamlet, thirteen only are of Latin origin. Even in a passage of ninety words in Milton, whose diction is more learned than that of any other poet, there are only sixteen Latin words. In four verses of the authorised version of Genesis, which contain about a hundred and thirty words, there are no more than five Latin. In seventy-nine words of Addison, whose perfect taste preserved him from a pedantic or constrained preference for any portion of the language, we find only fifteen Latin. In later times the language has rebelled against the bad taste of those otherwise vigorous writers, who, instead of ennobling their style like Milton, by the position and combination of words, have tried to raise it by unusual and far-fetched expressions. Dr. Johnson himself, from whose corruptions English style is only

recovering, in eighty-seven words of his fine parallel between Dryden and Pope, has found means to introduce no more than twenty-one of Latin derivation.* The language of familiar intercourse, the terms of jest and pleasantry, and those of necessary business, the idioms or peculiar phrases into which words naturally run, the proverbs, which are the condensed and pointed sense of the people, the particles, on which our syntax depends, and which are of perpetual recurrence;—all these foundations of a language are more decisive proofs of the Saxon origin of ours than even the great majority of Saxon words in writing, and the still greater majority in speaking. In all cases where we have preserved a whole family of words, the superior significancy of a Saxon over a Latin term is most remarkable. "Well-being arises from well-doing," is a Saxon phrase which may be thus rendered into the Latin part of the language:—"Felicity attends virtue:" but how inferior in force is the latter! In the Saxon phrase the parts or roots of words being significant in our language, and familiar to our eyes and ears, throw their whole meaning into the compounds and derivations, while the Latin words of the same import, having their roots and elements in a foreign language, carry only a cold and conventional signification to an English ear. It must not be a subject of wonder that language should have many closer connections with the thoughts and feelings which it denotes, than our philosophy can always explain. As words convey these elements of the character of each particular mind, so the structure and idioms of a language, those properties of it which being known to us only by their effect we are obliged to call its spirit and genius, seem to represent the character or assemblage of qualities which distinguish one people from others. As at the beginning of these remarks we freely observed on the shallow pedantry which sought its own favourite system realised in the Saxon government, so we shall

* The examples are collected, and the materials for calculation prepared, in Turner, ii. App. i. 1828.

conclude them by remarking, that those who look below the surface of Forms and Institutions will discover, that the spirit of equity and freedom breathed into our government by the Saxons has never entirely departed from us; that a considerable disparity of rank has been reconciled by us as it was by them, with nearer or more distant approaches to legal equality; and that we follow their example in still employing regal and aristocratical temperaments to render the ascendency of the people more safe for public order, and therefore more ensured against dangerous attack.

Neither the limits of this history nor the attainments of the writer are suited to the examination of the extensive subject of Saxon literature, farther than to lament the humiliating contrast of the labour bestowed by the continental nations on the legends of Iceland, with the incurious disregard with which the English nation have hitherto treated the literary monuments of their forefathers.

Only so far as the Saxon literature is historical, or contributory to history, can the shortest observations on it be hazarded here. No nation is more happy in its earliest history than the English people. Venerable Bede was born* at Wearmouth, only a few years after the introduction of Christianity into Northumberland. He resisted during a long life the most flattering invitations to quit his monastery and his birth-place. Such was the authority of his writings, that, though only a humble monk in the most remote, barbarous, and recently converted of the Saxon principalities, he attained (what was even then) the singular honour of being the most celebrated writer of Christendom for more centuries than one. The celebrity of Bede is the only circumstance relating to foreign countries mentioned by a very ancient chronicler of Holland for several years.† The work of the father of our history is entitled, an "Ecclesiastical

* Born A. D. 663; died 26th May, 735.

† Chron. Holland. Vetustiss. sub anno 696. "Beda, presbyter et monachus, *claret in Anglia*." — 1 *Kluyt, Hist. Com. Hol.* 7. Another chronicle quoted by Kluyt: — "Beda, presbyter et monachus, sanctâ vitâ, et scientiâ clarus, obiit."

History;" it is nearly of the same nature with that of Gregory of Tours, who a century before the birth of Bede had laid the foundations of French history. Both joined ecclesiastical with civil affairs, which was indeed inevitable at a time when the ecclesiastics were the only men of knowledge; when they alone had some sort of mental ascendant in the midst of brutal force; when their authority, the only element of order amidst general discord, had a great, and often a good, effect on political events. Both believed in miraculous interpositions, and honestly related them.* To Bede we owe all our knowledge of English history from the landing of the Saxons in Kent to his time (nearly three centuries), and all our certain information respecting the various tribes who then inhabited the island: from him it is apparent that the work called the Saxon Chronicle often literally copies long passages.

The original of that Chronicle was probably a document much shorter and simpler than the present; consisting of annual notes of occurrences taken and preserved in monasteries. It is likely that there were several such documents. Copies of some would in time be allowed, and various additions would be made to each, according to the knowledge or opinion of the possessors. In this manner, it should seem, that the Saxon Chronicle grew into its present form. Though we are ignorant of the authors of this composition, or of the time of its commencement, and, in truth, know nothing of it for our purpose but that it begins with the landing of Hengist, and continues till the death of Stephen, yet its shortness and dryness are a tolerable proof of the honesty of the writers, and even of the truth of their outline. It also received no small confirmation from the translations of many parts of it in the Norman writers, some of whom appear to have had before them

* "In the barbarous ages priests and people were equally deceived." — *Johnson in Boswell*, April 5. 1776. The most remarkable instance of this honest credulity is that of George Fox, the founder of the Quakers, who betrays his belief that he had worked miracles in America, which, however, he is too humble expressly to claim.

other chronicles of the same sort which are now lost.* These Norman writers are in some measure become originals to us.

Little of a contemporary sort remained to be added to these sources of history, except the invaluable life of Alfred by Asser. The vast collection of the lives of the saints often throws lights on public events, and opens glimpses into the life and habits of men in those times; nor are they wanting in sources of interest, though poetical and moral rather than historical. Many of them were the best men of their age; and the reverence of their biographers, unconsciously hiding their faults, and brightening their virtues, presented them as examples and models to those who felt more than vulgar ambition. In every age of the world, men above the common crowd have aspired after something more excellent than reality. The whole force of this noble attempt to exalt human nature was at this period spent on the lives of the saints,—a sort of moral heroes or demigods, without some acquaintance with whom it is hard to comprehend an age when the commemoration of the virtues then most venerated, as they were embodied in these holy men, was the principal theme of the genius of Christendom.†

The credit of the Welsh poems called *Triads* has been unduly abated by some in consequence of injudicious attempts to exaggerate their antiquity; — a fault into which all nations fall, and which is not therefore to be visited severely on any single people. They are certainly the work of an early age; and parts of them, if we had the means of distinguishing, would probably be found to be of an origin not much less than has been claimed for the whole.

* The public will, doubtless, be farther instructed respecting these fountains of our history by the collection of the "Scriptores Rerum Anglicarum," which is expected from Mr. Petrie.

† In justice to the see of Rome it must be said, its power of canonisation was much more used to restrain than to augment the number of saints. At first every church called by that name those who were most revered on the spot. The pope abolished this promiscuous deification, and reserved the power to himself by a bull, 993; and the first bull which mentioned the word canonisation was that which canonised Edward the Confessor in 1165.

The Scottish chroniclers are too late to be sufficient authorities on this period, in which we know nothing certainly from them but the general fact of the union of the Scots and Picts under a Scottish dynasty. The Celtic tribes were celebrated for the love of poetry. The old songs of every people, which bear the impress of their character, and of which the beauties, whether few or many, must be genuine, because they arise only from feeling, have always been valued by men of masculine and comprehensive taste. Some fragments of the songs of the Scottish Highlanders of very uncertain antiquity appear to have fallen into the hands of Macpherson, a young man of no mean genius, unacquainted with the higher criticism applied to the genuineness of ancient writings, and who was too much a stranger to the studious world to have learnt those refinements which extend probity to literature as well as to property. Elated by the praise not unjustly bestowed on some of these fragments, instead of ensuring a general assent to them by a publication in their natural state, he unhappily applied his talents for skilful imitation to complete poetical works in a style similar to the fragments, and to work them into the unsuitable shape of epic and dramatic poems.

He was not aware of the impossibility of poems, preserved only by tradition, being intelligible after thirteen centuries, to readers who knew only the language of their own times; and he did not perceive the extravagance of peopling the Caledonian mountains in the fourth century with a race of men so generous and merciful, so gallant, so mild, and so magnanimous, that the most ingenious romances of the age of chivalry could not have ventured to represent a single hero as on a level with their common virtues. He did not consider the prodigious absurdity of inserting as it were a people thus advanced in moral civilisation, between the Britons, ignorant and savage as they are painted by Cæsar, and the Highlanders, fierce and rude as they are presented by the first accounts of the chroniclers of the twelfth and fourteenth centuries. Even the better part of the Scots

were, in the latter period, thus spoken of:—"In Scotland ye shall find no man lightly of honour or gentleness: they be like wylde and savage people." * The great historian who made the annals of Scotland a part of European literature had sufficiently warned his countrymen against such faults, by the decisive observation that their forefathers were unacquainted with the art of writing, which alone preserves language from total change, and great events from oblivion. † Macpherson was encouraged to overleap these and many other improbabilities by youth, talent, and applause: perhaps he did not at first distinctly present to his mind the permanence of the deception. It is more probable, and it is a supposition countenanced by many circumstances, that after enjoying the pleasure of duping so many critics he intended one day to claim the poems as his own; but if he had such a design, considerable obstacles to its execution arose around him. He was loaded with so much praise, that he seemed bound in honour to his admirers not to desert them. The support of his own country appeared to render adherence to those poems which Scotland inconsiderately sanctioned a sort of national obligation. Exasperated, on the other hand, by the, perhaps, unduly vehement, and sometimes very coarse attacks made on him, he was unwilling to surrender to such opponents. He involved himself at last so deeply as to leave him no decent retreat. Since the keen and searching publication of Mr. Laing these poems have fallen in reputation, as they lost the character of genuineness.‡ They had been admired by all the nations and by all the men of genius in Eu-

* Berners' Froissart, xl. 7. Lond. 1812.

† "Repetenti mihi rerum Britannicarum memoriam supra duo millia annorum, illud in primis impedimentum se objicit, quod in eis regionibus unde nostræ originis eruenda est cognitio diu literæ nullæ fuerunt. In ea parte Britanniæ quam Cæsar attigit nulla prorsus vetustarum rerum erat memoria; *apud interiores vero, qui longe incultius agebant, longe minus.*" —*Buchan. Her. Scotic.* lib. ii. in initio.

‡ Mr. Laing himself admitted that Macpherson was a man of truly poetical genius, and that much of the poems is of no inconsiderable merit; and even adds, that he read them with pleasure after the detection. Yet no one will number a feeble administration of literary justice among the frailties of my late invaluable friend, as acute, learned, diligent, and inflexibly honest an enquirer as ever explored historical truth.

rope. The last incident in their story is perhaps the most remarkable. In an Italian version, which softened their defects, and rendered their characteristic qualities faint, they formed almost the whole poetical library of Napoleon; — a man who, whatever may be finally thought of him in other respects, must be owned to be, by the transcendent vigour of his powers, entitled to a place in the first class of human minds. No other imposture in literary history approaches them in the splendour of their course.

They have, however, thrown a colour of fraud over Celtic poetry which is not likely to be effaced: for the Irish and Scotch are not even yet likely to join their exertions for the recovery, literal translation, and impartial illustration of such fragments of the ancient songs of both these nations as are still extant. The fragments published in Ireland by Miss Brooke, in 1789, are, indeed, commendable for retaining the form of fragments; for not making too confident pretensions to high antiquity; and for not attempting to remove those anachronisms which the unlettered bards could hardly escape. But the translations give no picture of bardic style: they relate to Irish events of former days; but they are written in the prevalent style of a very modern age.

In one respect, Irish history has been eminently fortunate. The chronicles of Ireland, written in the Irish language, from the second century to the landing of Henry Plantagenet, have been recently published, with the fullest evidence of their genuineness and exactness. The Irish nation, though they are robbed of many of their legends by this authentic publication, are yet by it enabled to boast that they possess genuine history several centuries more ancient than any other European nation possesses in its present spoken language: they have exchanged their legendary antiquity for historical fame. Indeed, no other nation possesses any monument of its literature, in its present spoken language, which goes back within several centuries of the beginning of these chronicles. The ancient date of the MSS. concurs with the same

internal proof as in the Saxon Chronicle to support the truth of the outline of their narrative: they are edited by the learned and upright * Dr. Charles O'Connor, the lineal descendant of Roderic O'Connor, king paramount of Ireland at the time of the Anglo-Norman invasion. Dr. O'Connor lived only to complete this monument of the literature of his country, of which his forefathers were the last native and independent rulers.

CHAP. III.

FROM THE NORMAN INVASION TO THE COMMENCEMENT OF A PARLIAMENTARY CONSTITUTION, AND THE FORMATION OF THE ENGLISH LANGUAGE.

WILLIAM duke of Normandy proved the most formidable of the competitors of Harold. The account of his ancestor Rollo, who established a Scandinavian state in Neustria, given by the *sagas*, or ancient poems of Iceland, is so minute and characteristic, that it is not only more interesting but seems more credible than that of the Gallo-Norman writers of a later period. Harold Harfager (or the Fair-haired), king paramount of Norway, who had formed the design of becoming the monarch, instead of the chief of that country, fought, in 885, a naval battle against the rulers allied against his encroachments, in which success was long doubtful; but the king having at length commanded the frantic band of his *Berserker* † to attack the confederates, he gained a most signal victory over them, which was as much celebrated by the poets of the north as the destruction of Troy was by the Hellenic bards. The twenty kings who governed Norway were reduced to a subjection from which some of them escaped by leading colonies into vacant lands; others, by betaking themselves more exclusively to sea

* To whom we may justly apply, with small change, a line of Dryden: — "True to his faith, but not a slave of Rome."

† Men who worked themselves into a sort of madness.

robbery. On this occasion a republic was founded by them in Iceland, where literature and liberty converted these barbarians for two centuries into a civilised people; others crowded to the freebooting commanders, who then ravaged the territories of the Franks and Saxons. Harold, pursuing his victory over piratical vassals, pillaged the Isle of Man and the Hebrides, extirpated the sea kings of Orkney and Shetland, and appointed Rognevald*, a powerful Norwegian, who had early submitted, to be jarl or prince of Orkney. At the death of Rognevald the succession to his earldom was disputed, with many murders and cruelties, between his children and the sons of Harold, whose revolt alone disturbed the reign of the victorious monarch. One of the sons of Rognevald, called in the Icelandic poems *Hrolph*, better known to us by the name of Rollo †, had, for reasons unknown to our authorities, been excluded from all share in his father's domains, and had no resource but piracy, in the course of which he violated a law passed by Harold, which forbade freebooters under pain of death from destroying cattle on the Norwegian shore. He was tried in his absence by the *Thing* or diet of Norway, who condemned him to perpetual banishment. ‡

Out of these barbarous contests for the earldom of Orkney arose the conqueror of a great province in France. After many attacks by Rollo on that kingdom, Charles the Simple, in 912, ceded the province of Neustria to him, and gave him a daughter in marriage, on condition that he should submit to baptism. William, afterwards king of England, was the fifth duke of Normandy in lineal descent from Rollo §: he was the son of Robert the Magnificent, or the Devil as he was called, perhaps with equal justice, by a fair damsel of low condition at Falaise, of whom he was enamoured, but whom

* A name which still survives in the Hebridian name of *Ronald*.

† The same name with Ralph and Rudolf. He is called *Rou* in the ancient French of the famous poem of the Anglo-Norman Robert Ware.

‡ Saga of Harold Harfager.

§ Familiæ Ducum Normanniæ, apud Duchesne. — *Script. Norm. Hist.* 1069.

he could not wed during the life of the duchess, the sister of the great Canute. When about to undertake a pilgrimage to the Holy Land, he presented William, then a new-born infant, to a great assembly of nobles, who careless, like their northern forefathers, of the distinction between concubinage and wedlock, hailed the child with acclamations as the heir of the duchy. In 1035, on the death of Robert, when on his return, at Nice in Bithynia, William, then only eight years of age, was raised to the ducal throne, which he filled with renown for fifty-three years. Alan earl of Britany, and Gislebert count of Brionne, the regents, maintained a submission, then very unusual in minorities; and Henry I., king of France, who owed his crown to Robert, and who had in requital made him cessions which brought the Norman territory within six leagues of Paris, protected, as became a liege lord, the minority of William, who was his ward in chivalry. As soon as the king conferred knighthood on William he wielded his arms with vigour against his revolted subjects, and his neighbour, of ferocious valour, Geoffrey earl of Anjou. In process of time, Henry, jealous of the young duke, made inroads into Normandy, for which pretexts were never wanting in the confused relations of a lord paramount with his great vassals. His followers were twice repulsed by those of William, who was strengthened by a marriage with Matilda, daughter of the puissant earl of Flanders, who soon after became regent of France, and by the acquisition of the county of Maine, bequeathed to him by the will of the last count. Meanwhile the Norman name became illustrious by the exploits of Robert Guiscard, a private Norman gentleman, who by his adventurous valour became master of Lower Italy, under the title of duke of Apulia and Calabria; began the expulsion of the Saracens from the Italian islands, and left a son sovereign at Antioch, and a nephew who founded a monarchy in Sicily.

Edward the Confessor, the grandson of a duke of Normandy, had passed twenty-seven years from boyhood

to middle age at the court of Rouen. Robert the Magnificent had even fitted out an armament for his restoration. * After that event, it is said by contemporaries, with probability, that French became the language of his court. From authentic documents we learn, that some Norman barons were landholders in England in Edward's reign. The king was only restrained from altogether embracing the French party by the dread of the house of Godwin. The Norman churchmen began to be promoted, and William visited the childless Confessor when his visit is not likely to have been quite disinterested. Edward, says a contemporary writer, had almost become a Frenchman. † It was afterwards asserted by William, that either on this or on some other occasion Edward had, with or without writing, bequeathed to him the crown of England. Such a bequest might have been made with little thought of the claims of the exile in Hungary, whom after his recall the king was either not disposed or not allowed to see. At the death of Edward there indeed was no man living who had a title to the crown, or a reasonable expectation of it, conformably to the prevalent usages of the Anglo-Saxons. Nothing was more repugnant to their feelings, or perhaps, in general, more unsuitable to their condition, than the choice of a boy who was alike feeble in mind and body, however descended from the regal stock. William and Harold were alike void of all claims founded on the modern rules of hereditary descent. William, as the grand nephew of Emma the king's mother, was so related to him as to make it easy for the feelings of the people to connect such a consanguinity with inheritance. Harold took advantage of his sister being Edward's wife to amuse the minds of the Saxons by a still more faint semblance of a claim to inherit. The testamentary bequest, alleged by William, could not, by those who just saw the undisturbed acquisition of Maine, under the like title, be thought inferior to the turbulent vote of some

* Gulielm. Gemitic. De Duc. Norm. v. 10.
† "Pæne in Gallicum transierat."—*Ingulph.*

Saxon chiefs obtained by Harold. The reasons (if they may be so called) set forth, might in some degree content their partisans, but were at bottom no better than a jumble of every topic that could be thought by either party likely to give a slight colour of plausibility to their respective pretensions, without regard to their solidity, or to their consistency with each other. The only efficacy of such topics is to divert the mind from contemplating the nakedness of the usurpation, to varnish, however thinly, the exertion of brute force, and to lessen somewhat the angry wonder which is naturally roused by an open appeal to the sword. On this occasion no Anglo-Saxon could have such a sense of the justice of the pretensions of one candidate as could inspire him with moral disapprobation (whatever might be his dislike or disinclination) of the assumption of power by the other. As neither had any right to the object disputed, none could do wrong to the other. Perhaps the claim of William, founded on the alleged bequest of Edward, which though not proved it was hard to disprove, was more agreeable to Saxon prejudices than that of Harold.

In the mean time the claim of Harold was discredited by an incident, which is variously related. A short time before the death of Edward he had landed, or had been driven on shore in France near Abbeville, where the ruling count made him prisoner according to the barbarous usage which then treated all shipwrecked persons, and all foreigners of importance, as lawful prey. He obtained leave to go into Normandy, by truly or falsely alleging that he was entrusted by Edward with communications to duke William. That prince received him courteously, and released at his desire a nephew who had been placed in the duke's hands as a hostage for the Normans in England. William imparted to Harold those hopes of the English crown which had originated in Edward's declarations. He requested the aid of the Saxon, with many assurances of advancement and favour. Harold did not, perhaps durst not, refuse to promise his aid.

Involved so far, it was probably difficult for him to refuse the next request made in the presence of a great assembly of nobles, which was, that he should confirm his promise by a public and solemn oath. Harold, thus taken by surprise, swore on the missal, and the by-standers called out, "*So help him, God!*" As soon as the oath was completed, William ordered the missal to be removed, and showed to the astonished Harold a vessel underneath full of sacred relics, the bones of saints and martyrs, on which he had unconsciously sworn. The moral principles of the age were not shocked by this circumvention. Harold rested his defence on the dangerous ground of compulsion, and urged the doubtful plea of a release from his obligation by the choice of the witenagemote, which would have been more plausible, if he had not himself procured the election, and which amounted to an admission, that the oath was actually taken, and was originally binding. The fact could not be so explained as to counteract the vague abhorrence towards oath-breakers, with little distinction of cases, which is one of the few restraints on treachery effectual in a superstitious age. It aided the negotiations of William in Italy, whither he had sent Lanfranc, an Italian monk of great ability, to obtain a declaration of the holy see in favour of his enterprise.

Hildebrand, who soon after ascended the papal throne, after having reigned over the church for many years, through a succession of his creatures whom he raised to a titular popedom, had then completed the portentous and tremendous scheme of an universal theocracy, administered by the pope, in which all civil rulers were to be treated as subordinate and removable officers. He was the greatest man of his age, combining original genius, commanding spirit, and undaunted courage, with an exemplary life, and with principles which seem to have been disinterested. The astonishing pretensions which had almost triumphed in his vigorous hands were deduced from simple and apparently true premises. Most associations of men exercise the power of expelling delinquent

or obnoxious members; excommunication was accordingly practised by the apostolical church, as it is at this day without dispute by the humblest meetings of Quakers. It would be absurd that civil rank and authority should involve exemption from an ecclesiastical censure. Hitherto the reasoning seems indisputable. The next step was alarming: as the faithful were forbidden to hold intercourse with any man excommunicated, they could scarcely perform any active duty towards him. It therefore became unfit for the subjects of an excommunicated king to obey him in peace or to serve him in war; and when the sovereign pontiff expressly absolved them from their allegiance, he seemed only to warn his children against the necessary consequence of acting under the commands of a man excluded from participation in sacred rites. Another reason, equally simple, offered itself. In the many contests between different states, or between subjects and their rulers, it was often difficult to determine on which side justice lay. As it was their moral duty to satisfy their conscience on that head before they proceeded to or persevered in violence, they could not consult any person more likely to be learned or impartial than the common father of Christians. As a king took the advice of the private director of his conscience, so it became him to recur, in great difficulties, to the general confessor of Christians. It could not be blamable in the pope to offer his mediation to prevent the effusion of Christian blood. The rejection of his good offices naturally indicated conscious guilt, and might be so contumacious as to justify a recourse to spiritual censures. In watching over the safety of the church, it was the duty of the pope to take care that the acts of civil governments should not endanger it. Of the reality and extent of the danger he alone could judge; and he had no effectual means of defending the church but by excluding enemies from her communion. As all subjects who abetted the aggressions of their rulers against the spiritual power were accomplices in that heinous crime, the pope might de-

fend himself by the formidable sentence of an universal interdict, in the territory of the delinquents, of all those religious rites on which depended many of the most important transactions of life, and in, the opinion of the parties interested, their eternal salvation.

A happier opportunity could scarcely have occurred for the introduction of these terrible powers into practice than the application of so powerful a prince as William, in so signal a case as that of the English monarchy, against a competitor who had not humbled himself before the apostolic see, though it was only by an appeal to its authority that he could vindicate himself from the charge of sacrilegious perjury. A bull was accordingly issued to William, containing the papal determination for the justice of his claim, together with a consecrated standard to proclaim it to his followers, and a ring, with a lock of his holiness's hair, as a token of personal affection.* It is scarcely to be doubted, that the excommunication of Harold and his followers formed a part of the bull. The language of Malmsbury leaves no doubt that these declarations were considered as the judicial decision of a competent tribunal; and Hildebrand himself long after takes credit for having, on this occasion, dared to incur much odium from his colleagues.†

The king of France received William's application for succour with caution: Baldwin, earl of Flanders, declined an open interference. But as soon as he had proclaimed the near execution of his project, he was speedily joined by all the young knights of the neighbouring countries who sought renown, and by all the freebooters whom the plunder of England allured. Alan, son of the duke of Britany, supposed by some to have been the original stock of the royal house of Stuart, followed his standard. Four hundred and two knights are enumerated by name as part of his force in the roll of *Battle Abbey*. According to the proportion of the different parts which appears to have been observed in that age,

* Malmsbury, lib. iii. Chronique de Normandie. — *Guliel'm. Pictav.*

† Quæ pro re a quibusdam fratribus pene infamiam pertuli.—*Epist. Greg.* vii. *Dom. Bouquet*, xiv. 648.

we may conclude it to be probable, that four thousand cavalry, twelve thousand regular infantry, together with the men landed from the ships' companies, formed altogether an army of twenty or twenty-five thousand men.* It was the most remarkable and formidable armament which the western nations had witnessed, since some degree of regularity and order had been introduced into their civil or military arrangements.

On the 28th day of September, 1066, during the absence of Harold in the north, William effected an undisturbed landing at Pevensey, in the county of Sussex. Having thrown up intrenchments round his quarters, he advanced to take possession of Hastings, which he also put into a posture of defence. Harold flew from his northern victory to repel the invaders. He was followed, with no impatience, by the vanquished but disaffected men, beyond the Humber, who, under the great earls Edwin and Morcar, advanced slowly, and arrived too late. He incurred new unpopularity by taking to himself the whole booty; and his brother's fall in the late battle was imputed to him as a fratricide by the popular cry. It should seem that the greater part of the Saxons and Danes looked at the conquest almost with indifference, as regarding only that species of sovereignty in London which had hitherto only occasionally disturbed the licentious independence of the provincial chiefs.

William offered to Harold the choice of abdication, of single combat, or of appeal to the pope. All these were alike rejected. William then offered to cede Northumberland to Harold, and to establish his brother Gurth in Kent; and, in the event of these moderate terms being rejected, declared, that he should proclaim Harold in the face of his army to be a liar, and a perjured

* Sismondi, Hist. de France, iv. 333. The chroniclers speak of 60,000, and have been followed by modern writers regarding a fact so peculiarly liable to exaggeration as numbers. They also mention 3000 ships, which the French chronicle of Normandy reduces to 900 large vessels, of which it is probable (considering the length of the voyage and the progress of shipbuilding) that the largest was not half the size of the smallest of Columbus's, or about 15 tons. The other 2000 were probably small boats.

wretch, justly excommunicated by the holy father.* In the night after this rejection of all the propositions of peace, William announced his intention of giving battle on the morrow to his army, who are said to have passed the night in devotion, uninterrupted by the noise of songs and revels, which arose from the Saxon camp. On the next morning, Sunday (14th October), the Normans advanced to the attack of the Saxon army, who were posted on a rising ground about eight miles inland from Hastings, where an abbey was soon after founded; and a village stands, which, in remembrance of this decisive engagement, still retains the name of "*Battle Abbey.*" William was in front of his army with the reliques on which Harold had forsworn himself hung round his neck, and with the standard which the pope had consecrated unfurled by his side. He addressed them in a few words: — "You are to gain a rich booty! If I become king of England, you will be the owners of the land: vengeance and plunder are alike before you. You are to punish the perjury of the English. They massacred our kinsmen the Danes; they murdered the companions who followed prince Alfred from Normandy. Before you is the son of that Godwin who was charged with the murder of my unhappy cousin Alfred himself!" Taillefer, a Norman minstrel, inflamed the martial ardour of the men of Britany, of Normandy, of Poictou, of Flanders, by singing those ballads on the high deeds of Charlemagne and Orlando, which, since their dialects were melted into one common language, alike interested the sensibility of those of every lineage, who were dwellers in France. He played with his sword in the air, tossing it up with one hand, and catching it as it fell in the other. With the leave of the duke (Oct. 14.) he began the onset by cutting down two Saxon cavaliers, but was himself mortally wounded in the attempt to slay a third. The Anglo-Saxons, forming a compact body, received the assailants with battle-axes, with which they broke the lances and cut the coats of mail on which the Normans relied. The

* Chron. de Normand., apud Bonquet, xiii. 230, 231. — *Gulielm. Pictav.*

Bretons in the left wing of the invading army gave way. The English with the usual rashness of undisciplined troops pursued so eagerly as to be in danger of being cut off. The attack was renewed; the defence was again successful; and the duke was reduced to the necessity of alluring the English into the same error by a feint flight. The expedient succeeded: such was the unshaken courage of the English, that on the third attack they once more drove the Norman to try his stratagem; and so little did experience restrain their headlong impatience, that they fell again into the snare. The Normans at length penetrated the Saxon lines, but the combat was still obstinately prolonged. Harold, to whose heroic valour historians on both sides bear testimony, received his death from an arrow which, entering his eye, is said to have pierced his brain. His brothers, Gurth and Leofwin, still gallantly defended his standard. They were attacked and slain by a chosen band of Norman volunteers, who, pulling down the standard, and erecting that consecrated at Rome in its stead, spread a panic among the Saxons, drove them to flight, and decided the fortune of the day and the fate of the kingdom. The conqueror lost a fourth of his army, and had two horses shot under him. The battle ended only with the day. In the morning the victors reaped the first fruits of their victory in the pillage of the dead, whom they stripped of all; and over whose carcasses, in the wantonness of savage joy, they caused their horses to prance and caper. The mother of Harold sent two religious, of the monastery which he had founded at Waltham, to implore William that he would allow them to carry with them the royal corpse, that they might solemnise with due honours the interment of their benefactor. William, like another Achilles, yielded, but the body was so disfigured by blood and wounds that they were unable to distinguish it. In this emergency the monks are said to have had recourse to Edith, "the lady of the swan's neck," who was Harold's mistress, and who with the keen eye of affection recognised

the remains of her lover. The death of Harold for his country raised him to a place in the affection of his countrymen which there is very little evidence that he occupied during his life. As a man of spirit and enterprise, whose rise and fall are dazzling, and who had the good fortune to die in battle with foreign invaders when the independence of a nation coincided with his own aggrandisement, his short rule interests the reader of English history.

The first care of William was to secure his communication with Normandy by the complete reduction of the coast. He besieged and took the castle of Dover and the town: the inhabitants of Kent made their peace with him. During his cautious advance an attempt was made in London to make a more vigorous and legitimate defence, under an Anglo-Saxon king. The zeal of the two earls, Morcar and Edwin, was damped by the failure of an attempt to place one of them on the throne. The example of Harold was enough to show the jealousy and feebleness which the elevation of any chief not of royal blood was likely to occasion.

Edgar appears to have been acknowledged in London for a short time; and he performed some acts of regal authority, of which the validity was never questioned. The opposition of the bishops to any pretensions but those of the candidate favoured at Rome saved that unfortunate boy, then only fourteen years of age, from an unequal contest. William, considering it safer to master a city, even then great, by gradual pressure than by sudden assault, drew his troops in all directions round London, in order to straiten their supplies, to deprive them of encouragement from the Saxon lords, and to give them some foretaste of the sufferings of war; intimidating them more and more by ravaging and burning the country, and daily lessening the hope of aid in their resistance to him. He postponed his entry till he had built a place of safety, which has since grown into the Tower of London. It was not till Christmas, 1066, that he chose to be crowned in Westminster Abbey, with some of that

appearance of assent from the people, if not of election by them, which are still vainly affected in such solemnities. *Stigand,* the archbishop of Canterbury, who had been condemned as an intruder by the holy see, and the choice of whom by Harold to consecrate him contributed to the hostility of Rome towards that prince, was either rejected by William, or declined the performance of the office, which devolved on Aldred, archbishop of York; a circumstance which in either case shows the importance of the papal sanction to the Norman enterprise. Edgar, and the Saxon chiefs of Northumberland and Mercia, submitted, as it should seem, even before the coronation. The youth suffered himself to be quietly stripped of the robes which had been thrown around him, and was entertained by William with that outward courtesy, the offspring of contemptuous compassion, which it is safe, and sometimes politic, to lavish on an insignificant pretender. The conqueror proceeded to encourage the Normans, and to assert the legitimacy of his government, by distributing among his followers all the lands accessible to him of the English, whom he treated as rebels for appearing in the field against him. He placed the strong holds and principal towns of the conquered territory in the hands of trusty Normans; and after re-establishing the payment of *Peter's pence* to the Roman see, and sending the standard captured from Harold as a trophy to Rome, he embarked in the month of March for Normandy, carrying in his train Morcar, Edwin, and Edgar,—thus depriving the Saxons of leaders in the field, and of the only pageant round which they could rally. Odo, bishop of Bayeux, the son of William's mother by a plebeian husband, had the chief share in the administration of the territory rather militarily occupied than securely conquered after the battle of Hastings, which appears to have consisted of the country eastward and southward of a line drawn from the western boundary of Hampshire to the northern point of the coast of Norfolk, together with some parts of the counties of Salop and Hereford. Commotions in these last counties and in

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Kent were suppressed by the Norman viceroy. Amidst the murmurs of the indignant Saxons, threats were breathed of a vengeance as terrible as their fathers had wreaked on the Danes; and the rumour of such threats must have been easily believed by conquerors conscious of oppression. These alarming occurrences recalled William from his continental dominions in December, 1067.

In what may without impropriety be called his second campaign, he turned his arms against the Saxons of Devonshire, who, supported by their British neighbours in Cornwall, and animated by the presence of Harold's family, refused to acknowledge his government, and rejected all correspondence with his lieutenants. Betrayed by the thanes, the more generous people made a gallant stand against the invaders, but were compelled to surrender Exeter into William's hands. About this time Edgar was carried to the court of Malcolm, surnamed Caenmore, king of Scotland, where that prince married the princess Margaret, after the death of her brother Edgar, the representative of the royal house of Wessex. Many of the Saxon nobles followed Edgar, and, being mingled with subsequent emigrations of discontented Normans, became the stock of the greater part of the Scottish nobility.

No foreign soldier had yet been seen beyond the Humber. The Normans made only occasional inroads into Mercia. They had no solid footing to the northward of Trent. The reduction of the central and northern provinces proved a more arduous task than any that William had hitherto accomplished. Early in the summer he began his movements against warlike people, who wanted nothing but skilful commanders and a centre of union to have made a resistance as successful as it was glorious.

It is not easy to ascertain the order of the occurrences of this first campaign of the conqueror's northern war. It is not clear, indeed, whether his advance was hastened by the reception of the exiles in Scotland, or the

flight of Edgar and his family was occasioned by the invasion of the northern principalities. The successive reduction of Oxford, Warwick, Nottingham, Leicester, Derby, and Lincoln, after an obstinate resistance, attested by the ruined condition of these towns at the survey of the kingdom a few years after, sufficiently point out the extreme frontiers of the territory won at Hastings, the basis of William's operations, and the line by which he advanced. Some progress in the reduction of Mercia he undoubtedly made. Norman chroniclers tell us that he was not only resisted in the walled places but in the field, on his march to York, in an action where the Saxons were worsted. He established an advanced post at York; and contenting himself with formal submission, and an actual armistice, probably not guarded by any stipulations, he hastened southwards to meet the son of Harold, who obtained a victory over the Normans near Bristol, and threatened to revive the war in the west. The western provinces rose; but as his pretensions were irreconcileable with those of Edgar, there could be no co-operation between them and the people of the north; so that Harold's son was next year again compelled to take refuge in Ireland.

The campaign of 1069 was opened in the northern provinces, with appearances threatening to the Norman power. York was recovered; the Saxons were assembled in great numbers in the most inaccessible districts; the Saxons of the south threw themselves into the woods with their wives and children, and chose rather the life of outlaws, in which they subsisted on the spoils of the neighbourhood, than the yoke of Norman thraldom. Some Norman chiefs, wearied by the constant inroads and assaults of the Saxons, retired in disgust to their castles in Normandy; and symptoms of dissatisfaction with their imperfect and insecure conquests were shown by more. Robert de Coming, in defiance of the warnings of the bishop of Durham, ventured to occupy that strong but detached position. On the day after his entrance the Northumbrians burst into the town, and

slew the governor with nine hundred Normans. Encouraged by this example, the people of York besieged the garrisons of the castles built to bridle them. The Norman garrison burnt the city (Sept. 18.); but the people, with the aid of a Danish army which came to the help of their brethren beyond the Humber, destroyed the castles. Edgar Atheling appeared at York and was acknowledged king. His authority extended from the Humber to the Tweed, and he was supported by the kings of Denmark and Scotland. But William was never wanting in determination and speed: he hastened to the north, defeated the allied armies, and once more advanced to the Tees. He then gave an unbounded licence to his cruelty. * It is the principle of conquerors to treat a vanquished people more severely in proportion to the valour and pertinacity of the defence: qualities in themselves the object of admiration, and in such cases the best proof of the cruel injustice of imposing on a people a foreign yoke to which they show an unconquerable repugnance. The country from the Humber was ravaged with such ferocity, as to be described by the friends as well as the enemies of William in terms of indignation, which prove that it far exceeded the ordinary misdeeds of conquerors in an age when the mildest warfare was atrocious. "From York to Durham not an inhabited village remained! Fire, slaughter, and desolation made it a vast wilderness, which," says William of Malmsbury (sixty years after), "it continues to this day." From the Tees to the Tyne the army in its advance spread the same desolation: bare walls, and fields without a trace of tillage, covered the face of the country. Some of the husbandmen, taking refuge in the mountains and forests, tried to subsist on the plunder of their oppressors; many sold themselves into slavery; the flesh of dogs, of horses, of men, was greedily swallowed by dying wretches. It was horrible to look into the ruins of houses, or on the streets and roads, which were covered

* "Nusquam, tanta crudelitate, usus est Gulielmus. Reos, innocuosque peremit." — *Orderic. Vitalis, Duchesne*, 514., *Sim. Duncim., W. Malms.*

with human corpses gradually destroyed by putrefaction. None were left to bury them. Pestilence stalked through the neighbouring provinces in the train of famine. What was called peace was thus imposed on the Northumbrian territory. The king of Scots submitted, after having contributed to the desolation of the country which he came to defend. The object and extent of his submission has for ages been the subject of disputes equally angry and frivolous. Edwin and Morcar could no longer resist. Some accounts represent the Danes either satiated with spoil or bribed by William, as having deserted their unfortunate allies without necessity. There could be no rebels in a country where there were no inhabitants.

The Conqueror regarded himself as rightful king of England from his proclamation in London. He saw the repugnance of the inhabitants; and wherever they resisted the attacks of himself or his lieutenants, he seized their lands, and took away their lives as rebels. Confiscation gleaned whatever conquest had spared; after the advance of his army to the Tyne it became universal. He granted the county of Chester to Hugh, who earned even in that age the surname of the "Wolf." The earl appointed a Norman named Lenoir his constable, with extensive grants of land, with all the four-footed beasts taken from the Britons, with power of life and death, together with boundless means of raising money by fines, and a right of pre-emption in the city of Chester. Lenoir, or Nigel, established five of his brothers with the like means of murder and rapine; affording, probably, a just example of the manner in which these tremendous powers over the vanquished were lavished on hungry adventurers, whose hands were imbrued in blood, and who came reeking from the perpetration of atrocities not to be named, to continue a slow and lasting tyranny under the names of earls, constables, and seneschals. *

* Thierry, Hist de la Conquête de l'Angleterre, ii. 102. ed. 2. — A writer equally admirable for eloquence and research, whose citations have

In this manner the settlement of the country became as cruel as its conquest. The annalists who speak of the persecution of all who were guilty of being wealthy might be suspected of exaggeration, if the experience of all ages did not show that such horrors, even in less barbarous times, attend all measures of sudden and sweeping rapine. The contests between those who are corrupted by its practice and those who are incensed by its infliction, are the most dreadful evils which tear asunder human society. Some of the Saxons left a land which was no longer their country. A band of them, under Siward earl of Gloucester, found their way to Constantinople; were employed against another party of their mortal enemies the Normans, under Robert Guiscard; and maintained their reputation for valour and fidelity to the latest times of the Constantinopolitan monarchy. Besides the multitudes who were scattered over the forests throughout the kingdom, or who were compelled to submit to the Norman invaders, a more formidable assemblage of Saxons was formed in the great district of fens spread over parts of the counties of Lincoln, Norfolk, Cambridge, Huntingdon, and Bedford, where the rich abbeys of Thorney and Croyland had formerly been established, that they might be less accessible to invaders. *Hereward*, one of the most resolute and unshaken of the Saxon chiefs *, fortified a camp in the isle of Ely immediately after the close of the northern war in 1070. Edwin, either in attempting to escape into Scotland, or in collecting a force to deliver his brother, was killed, according to some, by the Normans; according to others, by his own followers. His head was presented to the conqueror. † Morcar, together with Stigand archbishop of Canterbury, Ellgwin bishop of Durham, and the most conspicuous of the remaining Saxons, repaired to Hereward's camp in the land of marshes, the last asylum of Anglo-Saxon independence.

generally appeared to me very faithful. The spirit of system has, in the succeeding parts of his history, led him into exaggeration.

* "Herewardus strenuissimus." — *Brompton.*

† "Caput ejus domino suo deferebant." — *Orderic. Vitalis.*

Morcar, a weak and fluctuating man, was allured from his sanctuary and imprisoned for life. Hereward made a last and manful stand for the Saxon name, in which he was helped by the abbots of Peterborough, Ely, Thorney, and Croyland. They were aided by the co-operation of a Danish squadron, which quitted its station so soon as to give occasion to a new charge against that nation. William besieged, or rather blockaded, the camp, but was obliged to open a passage over the marshes, by constructing a wooden causeway of three miles in length. The Saxons set fire to it, destroying many of the assailants. They defended themselves in their natural intrenchments till the monks of Ely, impatient of the privations of a blockade, made their peace with William, and admitted his soldiers into their monastery, which formed part of Hereward's line of defence. It is consolatory to find that these monks were punished for their cowardice and treachery by the severe exactions of the Normans. Hereward, whom the Norman poets honoured with the name of the "hardy outlaw," kept his ground like another Alfred, when all around were subdued. Unshaken valour was a virtue which the conqueror knew how to admire; and, while he imposed contributions on the despicable monks, he restored the last of the Saxons to his possessions.

The subjection of England would have been incomplete without that of the church: a council was held at Winchester, at which the Saxon archbishop of Canterbury was deposed on specious pretexts, and Lanfranc raised to that see; a man otherwise worthy of honours, but a creature of William, and a slave of Rome. Various expedients were adopted by this assembly to deprive the Saxon prelates, in order that the clergy might be devoted to the new government, and that the revenues of the church, as well as the lands of the laity, might be converted into a fund for rewarding Norman adventurers.

William now ventured on a second visit to Normandy, where he was engaged with petty usurpations on his neighbours. Edgar Atheling, whose efforts were always

too late and too faint, tried, at this desperate period of Saxon fortune, to procure aid from the king of France and the earl of Flanders. Disappointed in his hopes, he passed many inglorious years at the court of Rouen. At a subsequent period he followed a crusade to the Holy Land; and one of our latest accounts of this last pretender to a descent from Odin * is, that he was alive in the time of William of Malmsbury, exhibiting the unseemly sight of the representative of Alfred fed on the crumbs that fell from the table of a Norman tyrant. Though the English nation owed their ruin in some degree to his pusillanimity, yet they looked on him with fondness as a relic of their departed greatness; and their affection for him was daily strengthened by their hatred of the Norman rule.

The subjugation of England has been related more fully than the scheme of this narrative will generally allow, both on account of the magnitude of the revolution, and because the true nature of the conquest has been hidden from us by the relation of modern historians. It was a slow, not a sudden conquest. The territory won at the battle of Hastings was not a fourth part of the kingdom. It was bounded on the north and west by a line which we cannot confidently fill up, but which extended from Dorset to the bay which enters between Norfolk and Lincoln. The successive contests in which the Conqueror was engaged ought not to be regarded as on his part measures to quell rebellion. They were a series of wars, levied by a foreign prince against unconquered and unbending portions of the Saxon people. Their resistance was not a flame casually lighted up by the oppression of rulers: it was the defensive warfare of a nation who took up arms to preserve, not to recover, their independence. There are few examples of a people who have suffered more for national dignity and legitimate freedom.

The Britons are, perhaps, too far from us to admit our fellow-feeling with them. When we stretch out our

* One of the "*Dii Geniti.*"

hands towards their heroes we scarcely embrace more than a shadow. But let us not distort history by throwing the unmerited reproach of want of national spirit on the Anglo-Saxon, and thus placing an impassable barrier between our sympathy and the founders of our laws and liberties, whose language we speak, in whose homes we dwell, and in whose establishments and institutions we justly glory.

The wars of William for the conquest of the west, the north, and the east, were protracted for seven years after the battle of Hastings. Had the character of Edgar been more elevated, had he been even set up as a royal pageant at the moment of Harold's coronation, we may doubt whether the invasion would have been attempted. If Harold had delayed the battle till the arrival of his reinforcements, it seems to be probable, from the obstinate defence at Hastings, that the result might have been different. If the claims of Harold's family could have been reconciled with the rights of Edgar; if the Danes had been more faithful, and the Scots more powerful; if it had been even possible to keep up a co-operation between the armies of the north and those of the west, it is not improbable that the northern chiefs might have succeeded in their defence. In spite of all their misfortunes, the Saxons gave full time for other states to interpose, if any of them had taken alarm at the battle of Hastings. But the people of Europe were then incapable of conceiving and feeling their common interest in preventing unjust aggrandisement. No chief could see any object beyond the strife and scuffles in which he was constantly engaged. Communication was tedious and unsafe; concert became almost physically impossible, even if the princes of that age had been justified by experience in trusting each other to that limited extent in which mutual confidence is necessary to hold together a gang of banditti. The king of France saw the progress of his overgrown vassal with indifference. The earl of Flanders was a passive spectator of the aggrandisement of his rival and neighbour. More

distant sovereigns heard of the conquest of England by a powerful lord of the continent with less regard, as affecting themselves, than modern Europeans would now feel at a new Tartarian invasion of China.

The remaining events in the reign of William were not of a size to require recital. A great booty usually sows dissension among the plunderers. Where there can be no principle of justice recognised by all, every man measures his share only by his appetite. The Norman barons, discontented with their allotment of the spoil, rebelled against William. They were joined by some Saxon chiefs; and both parties blended their contradictory grievances in their invectives against him. He suppressed their conspiracy, and put to death Waltheof, the last of the earls, on whom he had formerly bestowed his niece Judith in marriage — a lady who is said, at last, to have used her influence with the Conqueror to rid herself of a husband no longer acceptable to her. He seems only not to have disclosed the conspiracy: but his wealth was his crime.

In 1076 he went to Normandy to suppress the revolt of his eldest son, Robert Curthose, to whom he had promised, when he was on the eve of sailing for England, that he would resign the duchy if he became quiet possessor of the English crown. When the English nation were subdued Robert demanded Normandy and Maine: William answered that he should not undress until he was going to bed. Such revolts excited little horrors in an age when the title to sovereign power was unsettled; when monarchs were accustomed to divide their dominions among their children; and when, during their own lives, they often appointed their sons to be viceroys of remote provinces, with almost regal powers. These grants might occasionally be necessary to enable the favoured son to take possession of his destined inheritance. The reign of a conqueror, by weakening the curb of principle, gave a loose to the impatient ambition of an heir apparent. The hostilities between the father and son, being fomented by the king of France,

lasted for several years, and were closed by an incident more interesting than any political event. Robert, besieged in the castle of Gerberoi, in one of his sallies wounded and unhorsed an aged knight, whose countenance was concealed by his helmet, and was about to pursue his advantage when he recognised the voice of his father in his fall to the ground. He dismounted, knelt, and with a flood of tears, embracing his father, implored pardon. Some writers represent William, also, as overcome by natural feeling; but, according to the more credible testimony, the old king, smarting with his wound, hardened by ambition, inflamed by anger, was inexorable, pronounced a curse on his repentant son, and was only persuaded by the importunities of his wife and his nobility to consent to an apparent reconciliation when it became necessary to pacify his dominions.

While engaged in his usual desolating warfare he came before the town of Mantes, in July, 1087, and commanded it to be burnt. The houses were consumed, and some religious perished in the flames of their monasteries. The king, eager to triumph amidst the ruins, galloped into the smoking ashes, where the horse, treading on some burning embers, plunged so violently as severely to wound the unwieldy rider in parts which were before afflicted by a painful malady. He was carried to Rouen, but he withdrew from the noise of the capital to the adjoining abbey of St. Gervas, where, on Thursday, 9th September, he breathed his last, after commanding that a sum of money should be given to the clergy of Mantes; that the like compensation should be made to other towns which had suffered from his violence; and that the English prisoners, Morcar, Siward, and Ulnoth, the brother of Harold, should be set at large. He consented with great difficulty to the release of his brother Odo, whom he declared to be without faith or humanity: thus pronouncing the greatest condemnation on his own government, of which the man so described had been the first minister. These inadequate atonements for irrevocable crimes deserve mention

only because they proclaim to the oppressor and the oppressed, that there are moments when conscience will resume her authority, striking horror into the heart of the most fearless tyrant.

It cannot be doubted, that William surpassed all his contemporary rulers in a capacity for command, in war certainly, and probably also in peace. Sagacity, circumspection, foresight, courage, both in forming plans and facing dangers, insight into character, ascendant over men's minds; all these qualities he doubtless possessed in a very high degree. All that can be said in extenuation of his perfidy and cruelty is, that he did not so far exceed chiefs of that age in these detestable qualities as he unquestionably surpassed them in ability and vigour. It may be added, that if he had lived in a better age, when his competitors, as well as himself, would have been subject to equal restraints, he would have retained his superiority over them by force of his mental powers and endowments. It is also true that contests with lawless and barbarous enemies, to which a man is stimulated by fierce and burning ambition, are the most severe tests of human conduct. The root of the evil is the liability of the mind to that intractable and irresistible frenzy.

The Saxon chronicler, who tells us that he had lived in William's court, gives him the praise of being wise; which is just if wisdom can exist without virtue, of energy, stateliness, splendour, mildness and generosity towards the clergy, who were his instruments of rule, and of the severe execution of justice upon all robbers except those of his own band. But "so stern was he and hot*," that no man durst gainsay his will:—"He had earls in prison; bishops he hurled from their bishoprics. He over-ran Scotland; and he would in two years more have won Ireland. In his time had men much distress. He took money by 'right and unright.' He made many deer parks, and he established laws by which

* The chronicler here imputes to the Conqueror a passionate as much as a politic tyranny.

whosoever slew a hart or a hind was deprived of his eyesight. He forbade men to kill harts or boars, and he loved the tall deer as if he were their father. He decreed that the hares should go free. Rich men bemoaned it, and poor men shuddered at it. But he was so stern that he recked not the hatred of them all." The Saxon, even amidst the ruins of his country, considered the sacrifice of the lives of the many to the amusement of the few, as a species of tyranny more insolent and intolerable than any other.

Two legal revolutions, of very unequal importance and magnitude, occurred or were completed in the reign of the Conqueror: the separation of the ecclesiastical from the civil judicature, and the introduction, or consummation, of the feudal system. Justice was chiefly administered among the Anglo-Saxons in the county or rather hundred courts, of which the bishop and alderman, or earl, were joint judges, and where the thanes were bound to do suit and service, probably to countenance the judgment and strengthen the authority of the court. The most commendable part of William's policy was his conduct to the pope, towards whom he acted with gratitude, but with independence. He enforced the ecclesiastical laws against simony and the concubinage of the clergy. He restored, as we have seen, the donation of Peter's pence: but he rejected with some indignation the demand of homage made by Hildebrand (Gregory VII.), then elated with the impunity and acquiescence which seemed to attend his pretensions to domineer over sovereigns. He seems to have introduced the frequent practice of appeals to Rome in ecclesiastical causes, without which, indeed, the patriarchal jurisdiction of the Roman see was useless. But he separated the ecclesiastical jurisdiction from the civil, by forbidding bishops to hold pleas in county or hundred courts, and limited their power to causes of a spiritual nature in their own tribunals.* The language of this writing, and probably its immediate effect, were

* A. D. 1085. Spelm. Con. i. 368, &c. Rymer, i. 3.

favourable to clerical independence. Its ultimate tendency, however, was to set free the civil judge from the ascendency of the more learned ecclesiastic, and to place the inferiority of a spiritual court in a more conspicuous light, by rendering it dependent for coercive authority in every instance on an appeal to the secular arm. It seems to be probable, that without such a change the bishop must have at last wholly governed the earl, and the spiritual power would have been deemed as much entitled to a coercive authority as the civil power must needs be.

It is certain that the system of government and landed property, commonly known throughout Europe as the feudal system, subsisted in England from the reign of the Conqueror. It is now as clearly established, that this system did not arise on the first conquest of the Western empire. It is improbable that so peculiar a system should have been suddenly and completely introduced into a country. Yet there were many circumstances attendant on the Norman invasion which soften the unlikelihood even of such an introduction. The most reasonable supposition, therefore, seems to be, that it was gradually prepared in the Anglo-Saxon times, and finished by the Norman invaders.

At first it should seem that the chiefs of the Germanic tribes, out of the immense mass of property of * the vanquished, which became the regal or the public demesne, granted considerable portions to their favourites, to their most distinguished soldiers, and to their most trusty advisers, perhaps without mention of a definite term, but with the usual expectation of gratitude and fidelity, of which a flagrant breach was sure to be followed by a seizure of the land of the unthankful and inconstant vassal, long before it became liable to forfeiture for withholding service in war by the authority of written or unwritten law. Lands so entrusted were ordinarily held for life, and became hereditary about the time

* Thus the Burgundians took about one *half*; the Visigoths in Spain two thirds; and the various conquerors of Italy probably one third of the land of the conquered. It is singular that, both in France and England, the share is very doubtful.

of Charlemagne, by the gradual operation of the disposition of mankind to continue the possessions of a father to his children.

The same general cause rendered the governments of provinces descendible under counts and dukes.

The great proprietors imitated the policy of the crown in engaging followers by grants of land, which went through the like progress. In all these cases the grantor of the land was interested, disposed, and at length obliged by law, to protect the grantee, as much as the grantee was bound to render service to the grantor. The former was called the lord; the latter the tenant relatively to the land, and the vassal relatively to the lord. All the grantees having derived their property from the king, he became the most extensive lord. As every grantee might grant to another, many links in the feudal chain might intervene between the king, as lord *paramount*, and the actual occupant of the soil, as tenant *paravail*. The allodial or independent landholders, exposed to the attacks of potent lords, and unprotected by superiors or followers, gradually surrendered their perilous independence into the hands of those who were powerful enough to secure them. They became voluntary vassals. Thus the feudal system became in the course of five centuries nearly universal, and may be said to have reached its zenith about the time of the Conqueror's invasion. The greater part of the allodial land had in the eleventh century become feudal. The Normans, as well as the other French, had adopted this system. There are traces of it, and advances towards it, discoverable among the Saxons. Military service they performed. They swore fealty, though not homage; and their *heriot* is not discoverably different from the feudal *relief*, or money payable on succession. The confiscation of an immense part of the land of England for real fidelity and pretended treason, and the policy of placing the administration and the property into the hands of William's foreign followers, gave him an opportunity of establishing a feudal system, together with means of supporting

it, and motives for immediately introducing it, which scarcely existed in any of the continental nations among whom it had slowly grown into practice.

As authority was won and exercised by war, the military principle of the feudal system was attended by civil administration and territorial jurisdiction. The lord, who had the right to the military service of the people of a district, was the only person who had the means of exercising any authority in it. The vassal swore fidelity to his lord, who thereupon invested every successive tenant with his land. Every lord had courts, at which his tenants were obliged to serve him in distributing justice to all his vassals. The king was the chief lord; but his jurisdiction was limited to his immediate tenants and to his own domains. Every new inheritor paid a sum of money, under the name of a relief, to his lord on the investiture. Every tenant paid a fine for leave to alienate the fief. It was forfeited for breach of the feudal contract; and it escheated, that is, fell, to the lord when the descendants of the first grantee were either extinct, or had, by their offences, become incapable of inheriting. It was a natural provision, though it grew to be an intolerable grievance in England and in Normandy, where it chiefly prevailed, that the lord should be the guardian of his minor tenants, and that he should have the disposal of his wards, female as well as male, in marriage. The right of the most petty lord to lead his vassals against their neighbours was not questioned. Private wars raged constantly. All the military tenants were, directly or indirectly, bound by an oath of fealty to the crown; but the obligation was frequently eluded, and revolts were familiar. The king, though the lord paramount, was often by no means the most powerful lord; and William himself governed more men and a wider territory than the Capetian prince who reigned at Paris. A feudal kingdom was a confederacy of a numerous body of lords, who lived in a state of war against each other, and of rapine towards all mankind, in which the king, according to his ability and vigour, was

either a cipher or a tyrant, and a great portion of the people were reduced to personal slavery. Had the feudal system never existed before, the circumstances of William's conquest would have been sufficient to produce it. It was, however, more easy to transfer it from France to a country where its foundations were already laid by the Saxons.

We have endeavoured to sketch a brief and imperfect outline of very singular institutions, which probably produced more misery in their first vigour, stirred up more energy in their course, and left behind them more good when the waters were dried up, than any other system of laws by which the race of man have been governed. The moral and political influence by which the feudal system gave a peculiar character to society and government in Europe must often present themselves for contemplation in the sequel.

WILLIAM II.

1087—1100.

William surnamed the Red, which the monks translated Rufus, the Conqueror's second son, flew from Rouen before the funeral of his father; and, by William's destination, as well as by the influence of Lanfranc, was proclaimed and crowned king of England at Westminster, on the 26th of September, 1087. By the advice of the primate, he distributed his father's hoards in the manner thought most likely to repair some of the effects of his crimes. Robert, who was then absent in Germany, on receiving tidings from Rouen, hastened back to that city, where he was joyfully received, and peaceably proclaimed as duke of Normandy. Inflamed by the complaints of Anglo-Norman visitants, and by the instigation of his uncle, the restless Odo, he encouraged a revolt of the new English nobility against

Rufus, which became very general. This mutinous spirit required as firm a hand as that of their old master to contain it. They were not quite reconciled to considering their native country as a separate and foreign land. They naturally apprehended war between the brothers, an event very inconvenient to a body who were the greatest landholders in both countries. Mowbray earl of Northumberland, Bigod earl of Norfolk, Montgomerie earl of Shrewsbury, with several military prelates, revolted in their various counties. Odo strengthened himself in the castle of Rochester, and commanded the important county of Kent, where duke Robert was to land. William was under such alarms that he called for the aid of the English. "The Englishmen went to the assistance of the king their lord. The Englishmen who guarded the sea met some men sent by Robert to prepare for his own expedition. They slew many, and drowned more."* The hopes of succour being cut off, the Norman chiefs were compelled to fly or induced to submit. William loaded the English with thanks and promises, and from that moment they began to raise their head. Contested titles and a disputed succession obliged him and his immediate successors to make concessions to the Saxons, who so much surpassed the conquering nation in numbers. These immediate sources of terrible evils to England became the causes of its final deliverance. William carried the war into Normandy, and more than once imposed hard conditions of peace on Robert, a man of much levity and irresolution, whose occasional kindness and generosity proved in such an age as ruinous to him as his vices. Henry, the younger brother, held out fortresses in Normandy against the king and the duke. Besieged in St. Michael's Mount without the necessary supply of water, he appealed to the compassion of his brothers, and proposed to decide their disputes by a more generous warfare. Robert yielded; William smiled at such feelings of pity or affection, and, doubtless, saw in them the means of his

* Saxon Chron. 1087.

own aggrandisement. His government of England seems to have been an union of rapacity with prodigality. The kingdom was plundered to extort the means of ministering to his gross pleasures, and of enriching his worthless favourites. He waged an ineffectual war against the Welsh, whom, after the example of his father's insolence to the independent Saxons, he termed rebels. Some modern writers have unworthily laboured to extenuate his rapine by the consideration that it comprehended the clergy, as if it were no fault to oppress Lanfranc, to whom he owed the crown, and his successor Anselm, one of the most learned and virtuous men of his age, because they were primates of England, who in common with the rest of Europe were in communion with the see of Rome. England, by his accession, only exchanged a wily and wary tyrant for the unbridled licentiousness of an impetuous youth. Even the Saxon chronicler, biassed as he must have been, by the alleviation of the prospects of his countrymen, declares William Rufus to "have been loathed by nearly all his people, and odious to God." His death was, in some measure, suitable to his character. Sir Walter Tyrrell shot him accidentally with an arrow, in August 1100, in the New Forest, the scene of his father's desolating tyranny, in the midst of noise and confusion, probably increased by intoxication, and while he was engaged in those sports to which his family sacrificed human victims.

Some years before Robert had mortgaged to him the duchy of Normandy, to enable him to join in the holy war which was about to be levied, to punish the Mussulman rulers of Syria for the cruelty, insolence, and ignominy which they had long inflicted on the Christian pilgrims who repaired to the sepulchre of Christ.

Their pilgrimages to the holy places at Jerusalem had been regarded as a wholesome discipline and an acceptable worship from the earliest ages of the Christian church. The Arabian caliphs encouraged them, as a source of revenue; but the Seljukian Turks, irreclaimable bar-

barians, impelled by a dire fanaticism, imposed burdens and vexations altogether intolerable on the pilgrims. The cries of these pilgrims had before resounded through Christendom. Peter, a hermit of Picardy, had before been an eye-witness of the sufferings of the pilgrims. He painted them vainly to the great, but with effectual though plebeian eloquence to the people. He thus obtained that power which often crowns the exertions of a patient enthusiast; and, after many disappointments, was called to the aid of the sovereign pontiff, in kindling the zeal of Europe against the robbers and bigots who oppressed Palestine. Pope Urban II. convoked a general council at Clermont in Auvergne, to which he addressed an oration of no contemptible eloquence, and with topics of persuasion skilfully adapted to the feelings of his audience. The substance of this oration, which was composed and written, is preserved by William of Malmsbury, who assures us that he has retained some parts of it unchanged. "Go!" said he, with confidence, "to attack the enemies of God. The cause of your labours will be charity (that is, piety joined to benevolence); the wages of charity will be the favour of God; the favour of God is followed by eternal life. They have usurped Asia, the greatest part of the globe, where sprung up all the branches of our worship; which the apostles have consecrated by their martyrdom. They usurp even the sepulchre of our Lord, and sell admissions to that city which ought above all to be open to Christians. The Turks and Saracens oppress even Spain, a noble part of our own Europe. They threaten the rest. Let such as will fight for Christianity put a red cross upon their garments, as the symbol of the Redeemer's sufferings, as an outward sign of their own love. Go, and employ in noble warfare that valour and sagacity which you waste in civil broils. Do you fear death?—Death hastens the entry of the good into their country; death hinders the ungodly from adding to his wickedness." The exhortations of the hermit Peter were not yet forgotten. The pulpits of every country re-echoed the oration of

Urban. The simple hearts of the people thrilled at the misery of their more pious brethren, and burnt with indignation against the unbelieving tyrants. The warlike spirit of the age was set in motion by religion; by glory; by revenge; by impatient valour; by a thousand principles; which, being melted into one mass, were not the less potent because they were originally unlike and discordant. Many of the most illustrious lords of the Christian world took up the cross. Old men, women, and children eagerly followed the sacred banner. The Christian army poured in from every country under illustrious chiefs, of whom the foremost were Godfrey duke of Brabant and Bouillon, Robert of France, the brother of Philip, and Robert duke of Normandy, the son and brother of English kings. Bohemond, the chief of the Normans of Apulia, and Raymond count of Toulouse, led many renowned warriors to Palestine. The tumultuary populace who followed Peter the hermit suffered evils unknown to modern war. Even the armed bodies who approached more to order must have endured what is hardly conceivable by men accustomed to civilised and mitigated warfare. Without magazines, without surgeons, with no more discipline than pressed them onwards in a confused mass, they marched into countries ravaged by invaders, or exhausted by tyrants, of which they knew neither the local circumstances, nor the language, nor the manners, through climates to which they were utterly strangers, where they were ignorant of the diseases which were variously engendered by different seasons, and to which they were wholly unable to adapt their modes of life. Robert duke of Normandy, who led the English and western French, was assisted by Robert earl of Flanders and Stephen earl of Blois. In spite of their misfortunes, Bohemond established himself at Antioch in 1097; and on the 14th day of July, 1099, after a siege of two months, the ancient and holy city of Jerusalem was taken by assault, with a prodigious slaughter of the garrison. Ten thousand were slain on the site of the temple

of Solomon; more were thrown from the tops of houses; many were put to death after resistance had ceased. Terrible as were these excesses, they arose from the boiling passions of an undisciplined multitude, and therefore bore no likeness to the licence granted by a civilised commander to obedient soldiers when a city is taken by storm. These passions, composed by the union of all that is kind with all that is fierce, of the basest with the grandest elements of our nature, produced a corresponding but a prodigious variety of deeds. It is hard for a writer or a reader more separated by opinions, by manners, by situation, than by an interval of eight centuries from the victorious crusaders, to form a faint conception of their state of frenzy, when, sore with wounds, heated by bloody conflicts, and flushed with success, they came to see and handle the ruins of the temple, the holy sepulchre, and all the scenes of sacred story, dear and hallowed in their eyes from infancy; and at the same moment beheld at their mercy the men who had defiled these holy places and spoiled those innocent pilgrims, whose offence was that of worshipping God where he most abundantly had poured out the treasures of his goodness. The gentleness and humility of a religion of forgiveness had on their distempered, yet not, perhaps, depraved hearts, more than the power of the loudest cry of vengeance for long indignities and outrages. What wonder, then, if, maddened by confused emotions, in which, perhaps, rising compunction began to swell, they rushed reeking from slaughter to raise their bloody hands in prayer, and to pour forth tears of contrition and affection prostrate before the shrine of their God! The power of the feelings excited by those places which call up the remembrance of revered men, and their noblest actions and sufferings, never could be greater than it was to the deliverers of Jerusalem; and the subtile links which combined good and bad passions could hardly ever have been stronger.

Godfrey, a hero worthy of everlasting honour, was chosen by the unanimous suffrages of rival warriors to

be the first Christian king of Jerusalem. Bohemond, the son of Robert Guiscard, reigned at Antioch; Baldwin, the brother of Godfrey, at Edessa; and the count of Toulouse at Tripoli. The Christian sway stretched from the confines of Egypt to the Euphrates, and to the approaches of Mount Taurus. Several of their principalities lasted for nearly two hundred years.

No war is just which is not defensive. By that principle the expeditions for the recovery of the Holy Land must, like all other wars, be tried. It must be owned, at the outset, that the Europeans of that age did not conform to the technical rules of our international law. They did not make a formal demand of reparation for wrong, and of security against danger. They did not enquire whether the possession of Palestine could directly add to their means of defence. Nor did they content themselves with a moderate succour to the Greek empire, as some modern philosophers have required. But, is the disregard of technical rules always attended by violations of their principle? There was no doubt that embassy and negotiation would be vain. It was lawful for them to defend the safe exercise of their religious worship in Palestine; and it was for them to determine where they could best defend any of their rights which were either violated or threatened. The avowed principle of all Mahometans, that they are entitled to universal monarchy,—a principle consecrated by their religion, and enforced by their law,—might, in itself, be considered as a perpetual declaration of war against states of a different faith. But in the eleventh century, this insolent pretension was maintained by arms, with a success very alarming to Christendom. About that time Europe, in different parts of her frontier, showed the sense of danger by beginning to resist the invaders. The expeditions against the northern and Sarmatian pagans manifested the like vague and confused fear in an unwarrantable form. The tottering state of the Greek empire, and the successive invasions from Tatars, which renewed the valour and barbarism of the southern Mahometans,

combined to threaten the eastern frontier of Christendom. The Mahometans acted on one principle, and as one body. The Christians were justified in acting, and compelled to act with the like union. According to the most rigid principles of international law, an attack on any Mahometan territory was an act of self-defence: it was the means of securing themselves against attack. The European rulers could undertake no such perilous enterprise without the hearty and enthusiastic concurrence of their people. Nothing but a strong feeling could have bound together all the scattered power of a feudal force. It was lawful to rouse their spirit against the wrong-doers, and excite a zeal necessary for the effectual exercise of just defence. The only means by which these ends could be reached were an appeal to the fellow-feeling and religious sentiments of the body of their subjects. These grand springs of human action were made to act by an expedition for the safety of the pilgrims to Jerusalem, who could not be really safe without the establishment of a Christian authority in Palestine. No cold representation of distant and disputable dangers could have put such masses in motion.

But were not the feelings of the people perfectly justifiable? Is it true that nations, while they may maintain at the point of the sword every rock and islet of their old possessions, are forbidden to defend the undisturbed exercise of religion, which may (and if it be real, must) be their dearest and most precious interest? The assault on their territory cannot more wound and degrade them than outrage towards what they most reverence. They had acquired, by an usage older than Mahometan power, a right peaceably to visit Bethlehem and Calvary, and their rulers were morally bound to protect that right.

As every state may maintain its honour because it is essential to its safety, so Europe had a right to defend her common honour, which consisted materially in resisting, or averting by chastisement, attacks on her common religion.

It is not true that every war which is disinterested and generous, which is waged for our fellow-Christians against persecution, or for our fellow-men against tyranny, is on these accounts forbidden by the true principles of international law. Though it be dangerous to allow too much latitude where virtuous motives may be used as pretexts, yet it is also certain that every nation which supinely contemplates flagrant wrong done to others, weakens its spirit as well as lessens its reputation. They, on the other hand, who draw the sword for justice on behalf of other wronged nations, carry back to their own defence a remembrance which gives them the strength of an approving conscience in their own cause. A just and brave people may be wrongfully deprived of the confidence and esteem of other nations; but they cannot be bereaved of the efficacy of such remembrances, in assuring them that they who fought for justice alone in the case of others, may contend more for right than interest in their own. If it be good for an individual to be disinterested, to help the miserable, to defend the oppressed, these virtues must equally contribute to the well-being, the honour, and the safety of communities.

The European law of nations is well adapted to a body of states of the same general character, not differing from each other too widely in civilisation, and professing a reverence for the like principles of justice. In the ordinary wars of such nations, the rules of international law are of sacred authority. In relations spreading through communities of a different character, and on occasions too new and great to be embraced by precedent, the principles of that law retain their inviolability, but its rules may sometimes yield for the sake of the principle. It seems morally evident, that whatever a nation may lawfully defend for themselves they may also defend for another people, if called upon to interpose. It is true that ambition often converts these principles into pretexts; but ambition deals in the same manner with all the purest motives of human conduct. Our

blame is not in such cases to be lessened: it is to be applied, not to the principle avowed, but to the hypocrisy and fraud practised by the ambitious.

Much doubt has been brought on these questions by the general condemnation of religious wars. This is an equivocal phrase. Wars to impose religion by force are the most execrable violation of the rights of mankind: wars to defend it are the most sacred exercise of these rights.

HENRY I. SURNAMED BEAUCLERC.

1100—1135.

The long reign of Henry, surnamed for his learning Beauclerc, the Conqueror's youngest son, affords few materials for an historical composition, confined within such narrow limits as the present.

The princes of the Conqueror's family were too impatient usurpers to be punctilious in paying the honours of sepulture to their predecessors. Henry, who was hunting with his brother, flew to Winchester, to seize the unsquandered part of the late king's exactions, which, in spite of a faint resistance made by the loyal adherents of Robert, he employed so successfully as to be crowned at Westminster two days after, on Sunday, the fifth day of August, 1100. His partisans set up a fantastic title for him, or rather a popular recommendation of his claim, as born in England, and after the conquest. But he himself, in a paper or charter issued on the following day, represents himself to be crowned "by the mercy of God, and by the common consent of the barons of the whole kingdom." In that document he restores the rights of the church, promises to require only moderate reliefs from his vassals, and to exercise his powers in wardship and marriage with equity. In several of the grievances to be redressed he undertakes

to re-establish the usages of the Confessor's reign; and concludes with the important words, "I restore to you the law of king Edward, with my father's amendments."*

However vague and insincere this language was, the reference to the reign of Edward, the representative of the Saxon system, as the standard of law and government, was an act of conciliation, and indeed of concession, to the English race, which neither fraud nor force could recall, and which may be enumerated among the best fruits of conscious usurpation.

He restored the celebrated Anselm to the exercise of his primacy, from which he had been driven by banishment in the preceding reign. He most of all paid court to his English subjects by wedding "Maud, or Mold, daughter of Malcolm king of Scots, and of Margaret the good queen, the relation of king Edward, and of the right kingly kin of England."† His nuptials with this beautiful lady were solemnised by the hand of Anselm, who, at the same time, consecrated and crowned the queen, three months after the coronation of her husband. ‡ So general was the confidence in the restoration of the native institutions, that it induced a private compiler to draw up a summary of Saxon law, which is still extant under the title of "The Laws of Henry the First;" probably as, in the writer's opinion, deriving their validity from his confirmation, and for the purpose of propping Henry's infirm title by resting it on the same basis with this reformation.

When Henry took possession of the throne Robert was lingering in Italy, on his return from the Holy Land, paying his court to a lady of surpassing beauty, whom he soon espoused. He hastened to Normandy; and being once more invited by potent lords, he landed at Portsmouth, with fair prospects of overthrowing an unnatural usurpation, consummated while he was absent

* Stat. of the Realm, i. 2. Folio, London, 1810.

† Sax. Chron. A. D. 1100.

‡ The account of the marriage by Eadmer, the scholar and inmate of Anselm, is accurate and picturesque. He, an Englishman, dwells on the true royal descent of Maud. "Mathildis filia Margaretæ quæ scitur exorta de semine regum Anglorum."—*Hist. Nov.* lib. iii.

on the common service of Christendom. But this credulous prince was doomed to be the dupe of his crafty brothers. He was persuaded by Henry to consent to a treaty; by which Robert was to content himself with Normandy, and Henry was to retain England, yielding a yearly payment of three thousand marks to Robert. The survivor was to inherit the dominions of the brother who should first die; and the English and Normans who had taken a part on either side in the war were to have a full pardon. The only condition favourable to Robert in the treaty he had the gallantry or the facility to wave at the instance of the young queen, his god-daughter, who prevailed on him, when he was on a second visit to England three years after, to release his treacherous brother from paying the scanty price of the crown. Robert, after his return to Rouen, repented of his folly, and either uttered, or was said to utter, threats which served the rapacious Henry as a pretext for sending an army over sea who subdued Normandy. The duke, full of courage in battle, but of no fortitude in misfortunes, went to England to throw himself on the mercy of his brother. He conjured Henry by brotherly love not to refuse peace, friendship, and voluntary benevolence to his elder brother, now ready to surrender his all. The king, with angry murmurs, turned aside; and Robert, whose spirit was awakened by this unbrotherly repulse, returned to the duchy to try his fortune, whither Henry pursued him, and after an obstinate conflict at Tinchebrai, on the 27th of September, 1106, in which Robert made the last display of his brilliant qualities as a commander and a soldier, he was completely routed, and sent prisoner to England; where his imprisonment appears at first to have been mild, but having yielded to the impulse of nature in attempting to escape from prison, by the command of his unrelenting brother his eyes were put out, and after passing near thirty years of blindness in several fortresses *, he died in 1135, at Cardiff castle, in Glamorganshire, at the age of eighty,

* Matt. Paris. A.D. 1106 and 1134.

when all the other chiefs who had shared the glory of rescuing Jerusalem had been laid low. An historian who was the partisan of Henry celebrated Robert for eloquence and valour, for wise council in the affairs of others, for military skill equal to any man of his age. "He forgot and forgave too much;" and, as the judicious monk of Malmsbury doubtless spoke only of offences against the public, it must be owned that such a disposition in a ruler might be a vice. But if he was too trusting and merciful for his age, and too easy for the stern duties of government in any time, he was the only Norman prince who still has some power over the feelings of those who consider the nature of his defects and the cruelty of his fate.

Edgar Atheling was one of the prisoners taken at Tinchebrai who were sent to England. Some resemblance in sensibility, though none in spirit and ability, to Robert attached Edgar to the duke's evil fortune. According to some accounts, as soon as his nephew Edgar was firmly established on the Scottish throne, he joined Robert in Palestine with twenty thousand men, from all parts of Great Britain. The Saxon Chronicle represents Edgar as having joined Robert recently before the battle. Henry imitated the policy of his predecessors in humbling this Saxon prince by another pardon. After this momentary glimpse he disappears from history. Sibilla, the good and fair spouse of Robert, did not live to witness his worst times. Their son William, when a child of five years, was brought before Henry at the surrender of Falaise: at the sight of the victor he sobbed and cried for mercy. Henry, as if making a violent effort to rid himself of evil thoughts, suddenly commanded that the boy should be removed from him, and committed to the care of Elie de Saen, a Norman lord.

William escaped to the French court, where Louis VI., commonly called Le Gros, who too late discovered his error in suffering so puissant a monarch as Henry to master extensive provinces in France, was eager to patronise and succour a prince who had fair and even just claims

on Normandy. These attempts, defeated at the battle of Brenneville in 1119, were renewed on occasion of a shipwreck, in which William the eldest son of Henry, and a hundred and forty young noblemen, perished near Harfleur, in consequence of their own disorders, of the intoxication of the captain, and the general drunkenness of the crew. Prince William would have been saved, if the cries of his natural sister the countess of Perche had not induced him to put back the boat to save her. The commander of the ship, Fitz-Stephen, had almost saved himself by swimming: lifting up his head, he asked with a loud voice, "Where is the prince?" On being answered, "He is gone!" the Norman plunged headlong into the deep, and was no more seen. This calamity so much disturbed Henry's arrangements in Normandy, that it occasioned a new insurrection on behalf of William Fitz-Robert.

In 1124, however, the revolters were completely defeated by William de Tancarville, the chamberlain of Henry. Louis bestowed the queen's sister in marriage on William, and invested him with several of the provinces nearest to Paris which had been united to Normandy by conquest. He soon after invested this prince with the county of Flanders, the greatest fief of the French crown, which had been vacated by the murder of earl Charles, without issue male, in a church at Bruges.

That fine province, however, he ruled only with a precarious and disturbed authority for sixteen months. A prince called Theodoric, or Thierry, or Dietrich, landgrave of Alsace, attacked him at the instigation of his uncle Henry, or of the powerful families connected with the assassins of earl Charles, on whom William was accused of having inflicted punishments unduly severe. He was preserved from assassination in a singular manner: while on a visit to his mistress at midnight, she unwittingly dropt tears on his head while she was bathing it according to the fashions of fondling in that age. Alarmed at this strange symptom of guilty privity with black designs,

against him, thus quelled, perhaps, only for a moment by irregular tenderness, he prevailed on her to disclose a plot which had been laid for murdering him when he should be withdrawing from her apartment. But he escaped from this foul attack only to receive his death-wound in open warfare shortly after at Alost.* The tidings of his early death must soon have followed those of his brief greatness into the dungeon of his blind and aged father.

Henry on this, and on some other occasions, manifested somewhat of that forbearance towards the vanquished which was in his time slowly stealing into the fierce manners of the German nations, — a part of the system of chivalry, which there will be a future occasion for more fully considering. But it was exclusively a generosity towards high-born dames and noble warriors which charmed the fancy by grace and courtesy. It never stooped so low as justice and good faith towards all men. He set at naught his charters, and violated his promises to his people without shame.† Very few drops even of pity reached them. "It is not easy to describe the sufferings of this land, from manifold and never-ceasing wrongs; wheresoever the king went, there was full licence to his company to harrow his wretched people, oftentimes with burnings and slaughter.‡ His exactions were cruel in the amount and in the means.§ As justice was a source of revenue, judicial murder was a frequent instrument of extortion." — "The Norman clergy in that reign," says the contemporary Eadmer, "were more wolves than shepherds. No virtue nor merit could advance an Englishman." To be called an Englishman was an insult.‖ Nor did the succession, for the greater part of Henry's reign, hold out any hope to the proscribed natives. "Maud, the good queen," or Mold, as

* Ord. Vital. lib. xii.

† Talibus promissis, quæ tamen in ûne impudenter violavit, omnium Corda ulbi inclinavit — *Matt. Par.* 52.

‡ Sax. Chron. A. D. 1105 et passim.

§ Crudelis exactionibus per omnes desævit. — *Eadmer, Hist. Nor.*

‖ Matt. Par. ix.

she was long called by the English poets, died in 1118, with the sad reflection that she had sacrificed herself for her race in vain. William, her degenerate son, openly threatened that if he ever ruled England he should yoke the Saxons to the plough like oxen. From such premature insolence, for he was drowned in his seventeenth year, he might be expected to prove one of those youthful tyrants whose sport is cruelty to men, as boys amuse themselves in torturing the most harmless animals. After the death of her son, Henry married a daughter of the duke of Louvain. But the union proving unfruitful, his hopes of succession were centered in his daughter Maud, the widow of the emperor Henry V., by whom she had no issue. The emperor had bestowed on this lady at an early age the apparently important office of regent of Italy, and Henry regarded her with an affection which is one of the human features in his character. He called a great council of prelates and nobles, who swore fealty to her if the king should die without issue male. The king of Scotland, and Stephen earl of Boulogne, the king's nephew, took the oath, according to their dignity, before the rest. He gave her, in 1128, in marriage to Geoffrey Plantagenet, eldest son of the earl of Anjou, in order to detach that powerful lord from the interest of the French king, and from the cause of William Fitz-Robert. This marriage with an adverse neighbour was very unpopular among the Norman barons; but the king, in 1131, caused another general council to take the oath of fealty to her at Northampton, where she was herself present. In March, 1133, she was delivered of a son; and the nobility once more took the oath of fealty, in an assembly holden at Oxford, to her and to her new-born son Henry Fitz-Empress. Two more sons born to his darling daughter promised stability to the order of succession which he had established, while the overthrow or extinction of all his competitors appeared to secure a quiet old age to the victorious monarch, when a surfeit of lampreys, in which he had been always forbidden to indulge, at last termi-

nated his days on Sunday, the 1st of December, 1135, in the sixty-seventh year of his age, and in the thirty-sixth year of a reign so agitated that he had passed no more than five years of unbroken quiet in England. The support given by Louis le Gros to Robert and his gallant son, as well as to the malecontent nobles of Normandy, may be considered as the earliest precautionary wars to preserve such a balance in the force of neighbouring states, that one or a few might not acquire the means of oppressing the rest.

STEPHEN.

1135—1154.

Stephen earl of Boulogne was the second son of Stephen earl of Blois, by Adela the daughter of the Conqueror. The empress Maud and her three sons, not to mention his own elder brother Theobald earl of Blois, stood between him and all hereditary pretensions to succeed to the Conqueror. He had a quarrel with Robert earl of Gloucester, the late king's natural son, for the honour of being the first of the laity to swear fealty to Maud. Henry had procured him a marriage with the only child of Mary of Scotland, sister of the "good queen Maud," by which he became earl of Boulogne. In spite of oaths and gratitude, and with no pretension, on any ground, to the crown, he hastened to London, where the populace received him with acclamations, such as they often lavish on beauty, bravery, and prodigality. His brother obtained the consent of the archbishop of Canterbury, by causing Bigod to swear, with signal falsehood, that Henry had on his deathbed disinherited Maud, and declared Stephen his successor. By these and other unusually flagitious expedients he was crowned and anointed king of England, at Westminster, on the

22d day of December, 1135. In the beginning of the charter, which, in imitation of his uncle, he issued immediately after his coronation, with an unparalleled variety of jarring titles, he described himself as—being by the grace of God, and the consent of the clergy and people, elected king of England, as well as consecrated by William archbishop of Canterbury, legate of the holy see, and confirmed by Innocent, pontiff of the apostolic church of Rome. This charter, like the former, promises an ample redress of grievances, and grants to the people all the good laws and good customs which subsisted in the time of king Edward. The power of administering justice, and of affording equal security to the rights of all, were now become the object of forcible contests, as unvarnished by a pretence of right as the conflicts of rival gangs of avowed banditti for the spoils of the unoffending. Stephen prevailed over the empress, because, Boulogne being nearer than Rouen or Anjou to London, he could spring more quickly on his prey. But the suspension of all hereditary succession for fourscore years, even from the Norman stock, made amends for its immediate evils by guarding the people from the slavish feeling that government is a descendible property, which might otherwise have sunk into their hearts; without blinding them to the inconveniences of election in the case of an office, which stirs up passions so violent that there is perhaps as little likelihood of appointments, generally good, from the modes of election known to us, as even from a succession dependant on the chance of birth itself.

"In this king's time," says the Saxon chronicler, "all was dissension, and evil, and rapine. Against him soon rose rich men. They had sworn oaths, but no truth maintained. They were all forsworn and forgetful of their troth. They built castles which they held out against him. They cruelly oppressed the wretched men of the land with castle wörk. They filled the castles with devils and evil men. They seized those whom they supposed to have any goods, men, and labouring women, and threw them into prison, for their gold and silver,

and inflicted on them unutterable tortures. Some they hanged up by the feet, and smoked with foul smoke; some by the thumbs or by the beard, and hung coats of mail on their feet. They put them into dungeons with adders, and snakes, and toads. Many thousands they wore out with hunger. This lasted the nineteen years while Stephen was king, and it grew continually worse and worse. They burned all the towns:— thou mightest go a day's journey, and not find a man sitting in a town, nor an acre of land tilled. Wretched men starved of hunger: to till the ground was to plough the sea." *

This description of a contemporary † comprises by far the most important part of that confused alternation and succession of anarchy and tyranny, which the poverty of language compels us to call the reign of Stephen. It perhaps contains the most perfect condensation of all the ills of feudality to be found in history. The whole narrative would have been rejected, as devoid of all likeness to truth, if it had been hazarded in fiction.

During the first year of Stephen, he was disturbed only by the revolt of Baldwin earl of Exeter, and by a Scottish irruption in support of Matilda, by her uncle David, the able and virtuous prince of a rude and fierce people. ‡ In the year 1138, this excellent prince was defeated in a second invasion, after an obstinate action at the famous battle of the Standard near Northal-

* The anonymous continuator of William Abbot of Jumieges, commonly called Guil. Gemmetic. closes the Hist. Norman. at the accession of Stephen. Orderic Vital, an Englishman born within three miles of Shrewsbury, about four years after the conquest, who passed near sixty years as a monk in the monastery of *St. Evroul en Ouche*, brings down his Historia Eccles. Norman. only to 1110. Eadmer, the scholar, and friend of *Anselm*, concludes his Hist. Nor. with 1122, so that in the confused reign of Stephen we particularly want contemporary evidence. The Gesta Stephani are by an unknown contemporary. The beginning of his work singularly coincides with the Saxon Chronicle. Both seem better to express the universal misery by language of general horror than would be possible by examples.

† I am informed by my learned friend Mr. Price of Bristol, who is about to give us the first critical edition and accurate version of the Saxon laws, that the original Saxon of the passage in the text is of a metrical structure; a curious circumstance, which, however, does not seem to me to lower its credit as a work of the twelfth century.

‡ Buchanan's Dedication to James VI. It cannot be denied that this great writer was, to use the language of his own age, a *monarchomatist*.

lerton, of which some characteristics are to be found in the work of Sir Walter Scott. * The commanders in that battle, who had lost no part of the Norman insolence, addressed the captains by whom they were surrounded: — "Illustrious chiefs of England, by blood and race Normans, before whom bold France trembles, to whom fierce England has submitted, under whom Apulia has been restored to her station, and whose names are famous at Antioch and Jerusalem." The language in which the Norman writers describe a Scottish invasion is somewhat unaccountable in the mouths of Stephen's subjects: —"They exercise their barbarity," says one writer, "in the manner of wild beasts. They spared no one. The helplessness of childhood and that of old age were equally ineffectual securities against their cruelty. They put pregnant women to death by tearing the unborn infants out of the womb with their swords." † — "The king of Scots," says another writer, "was a prince of gentle disposition; but the Scots are a barbarous and impure nation; and their king, leading great bodies of them from the furthest parts of his country, was unable to restrain them." ‡ While these events were passing, Stephen reduced Normandy, which was a considerable security to his power in England. He was strengthened, also, by a considerable band of Breton and Flemish soldiers, whom he had hired and brought with him to this island. The leader of Matilda's party was Robert, a natural son of the late king, who had become earl of Gloucester by marriage with the heiress of Robert Fitz-Haymon, a distinguished follower of the conqueror. This chief, the most conspicuous of his time in peace and war, now prepared to assert the legitimate claims of his sister. He conducted her into England in July, 1139. After many battles,

* Cab Cyc. Hist. Scot. i. 28—33.
† Ord. Vit. lib. xiii. — Duchesne, 917.
‡ Gesta Steph. Duchesne, 939. This description, which, I fear, must comprehend my highland forefathers, forms a melancholy contrast to the account of them ascribed to Ossian in the reign of Severus, but calls up very consolatory reflections in the minds of those who know their honest and brave descendants in the present age.

of which we know little but the misery which they brought on the people, the army of the empress Maud defeated Stephen near Lincoln in 1141. "He was taken prisoner: she was then declared queen; and she provided so ill for the instability of fortune as to send him in irons to his prison at Bristol." It is a prevalent opinion among old, but not contemporary, writers, that the clergy, who hoped to purchase the help of an usurper cheaply in the contest which they then carried on against the civil powers, were so far from being disappointed in their hopes from his flagrant usurpation, that they became his enemies, and contributed mainly to his misfortunes. On her arrival in London, Matilda was joyfully welcomed by the citizens; and Maud, the wife of Stephen (for there were three royal ladies of that name), made humble suit for the liberty of her husband, on condition of his resigning all claims, and retiring into private life. Her suit was rejected in terms of reproach. The citizens of London also made suit that the laws of king Edward might be restored, and the harsh changes of the Normans abolished. The empress manifested such high displeasure at this prayer for the observance of so many oaths, that the citizens began to think of bringing her to reason by the same duress from which she refused to release Stephen. Warned of this enterprise, she fled from the city by night, and established her head-quarters at Oxford. The indignant Londoners joined the king's party at Winchester, and by their help her army was utterly discomfited. She was obliged to feign herself to be dead, and to be conveyed in a hearse to Gloucester. Her brother Robert was made prisoner; and his liberty, of more value to his party than that of most kings, was purchased by the release of Stephen, who was Robert's prisoner in the castle of Gloucester. Both prisoners were alike weary of the irksomeness and irons inflicted or retaliated on each by rival tormentors. The escapes, stratagems, and vicissitudes incident to a tumultuary war, might have been very interesting, if they could have been related tolerably in the midst of

such confusion. The empress fled from Oxford when besieged there, in the inclement winter of 1142, by dressing herself and attendants in white, when the earth was whitened by snow. In every town and village the factions of the royalists and imperialists (as the party of Matilda might be called) had almost daily conflicts. Families were ranged on opposite sides; brother met brother in the shock; fathers embrued their hands in the blood of their sons; command existed no where; fear and disappointment made men change their party, according to the favour experienced from their own leaders, or the hope held forth by the opponents. The bands led by Stephen were no otherwise distinguished from others than by the audacity with which the numbers of his Flemish mercenaries encouraged him to assault and destroy the magnificent monasteries, from an attack on which, those who were most enured to rapine, but who still dreaded the guilt of sacrilege, recoiled with horror.

This miserable warfare raged, with little mitigation, till the year 1147, when Matilda returned to Normandy, which her father had wrested from Stephen. Her son had been brought to England by the earl of Gloucester, and educated for three years at that lord's castle of Bristol. Robert himself was carried off by a fever, the natural consequence of an alternate succession of excess and privation. A breathing time of two years seems to have followed. In 1149, Henry Fitz-Empress revisited England, where he was knighted by his uncle David, king of Scotland. The claims of his mother were strengthened in him by his sex and his age. By the decease of his father Geoffrey Plantagenet he succeeded to the territories of Anjou: Normandy he held in the name of his mother. In the year following, with more policy than delicacy, he married Eleanor, duchess of Aquitaine, one of the most considerable sovereigns of Europe, whose dominions extended from the Loire to the Pyrenees, who had been repudiated by Louis the Young for criminal commerce with her uncle the prince of An-

tioch, and for having stooped to the embraces of a young Turk; aggravations of vice before unknown to the dissolute amours of the crusaders' camp. The young duke of Normandy, however, espoused her within six weeks of her divorce, and thus became lord of western France, from the confines of Flanders to the borders of Spain. Both the competitors for England essayed their arms on the continent. Eustace, the only survivor among Stephen's sons, over-ran Normandy. But Henry, who expelled his own brother Geoffrey from Anjou, speedily recovered the duchy; and having made peace with Louis, who too late repented a fastidiousness which cost him the vast territories of Aquitaine and Poitou, he was at liberty to turn his whole force against Stephen. The armies of the competitors came in sight of each other at Wallingford. The lords of both parties, weary of the dreadful scene in which they had been for many years engaged, laboured to persuade both princes to peace. The earl of Arundel had the boldness to think, and to say, "that it was not reasonable to prolong the calamities of a whole nation on account of the ambition of two princes." The two chiefs, in a short conversation between them across a narrow part of the Thames, agreed to a truce, in hopes of negotiating a peace.

The prospect of peace seemed likely to be marred by the ambition of Eustace, a youth of seventeen, whom the archbishop of Canterbury, by the advice of the pope, had, a short time before, refused to perpetuate his country's miseries by crowning. Offended and alarmed by the truce, he reproved his father coarsely for such an agreement; and in a furious rage left the court, to scatter far and wide the firebrands of war, and to rekindle a flame which no man might have the power to extinguish. He began to ravage Cambridgeshire; and being established at the princely abbey of St. Edmund's Bury, he commanded the country round about, including the lands of the abbot, to be laid waste, and their fruits to be brought for his use into the abbot's granary. As he sat

down to a festival he was suddenly seized with a frenzy, of which he speedily died: in all likelihood owing to an inflammation of the brain, the fruit of habitual intemperance, and of frantic passions. The principal obstacle to concession from Stephen being thus happily removed, he no longer persevered in a vain resistance to the just demands of the most powerful of western princes. A common council of the kingdom was held at Winchester in November, 1153, where it was agreed that Stephen should retain the crown during his life; that he should adopt Henry, who was declared his successor; and that William, a young son of Stephen, should, on condition of swearing allegiance to Henry, have a large appanage, of which the city of Norwich was a part. He was also to succeed to his patrimonial earldom of Boulogne. On the 25th of October, 1154, the boisterous life and wretched reign of Stephen were brought to a close. He deserves no other reproach than that of having embraced the occupation of a captain of banditti. If that were a legitimate profession, he must be owned to possess many of its best qualities,—valour, attachment, prodigal generosity, and sometimes even mercy. Inferior as he is to the Robin Hoods and Rob Roys which are exhibited to us by the hand of genius, he probably had better qualities than the real persons who bore these names.

HENRY II.

1154—1189.

Henry Plantagenet ascended the throne without an adverse murmur, and was hailed with more hope than even that usually excited by young kings, as the most potent prince of his time, about to employ his youth and his power in composing the long disorders under which England had suffered.

The invasion of Ireland, the most memorable event of Henry's reign, will be related by Mr. Moore; and the great advantages which he obtained over Scotland are sufficiently touched upon by sir Walter Scott. On the provinces occupied by such historians no prudent writer would choose to encroach; and as two parts of the common histories of England are thus happily separated from it by the plan of our collection, it is sufficient to take this opportunity of warning the reader to expect no narrative of Scotch or Irish affairs in the succeeding portions of this historical summary.

The wars of Henry with France do not deserve a longer recital than our limits may contain. His contests with the church, an important part of the history of every European country in the middle age, are still deserving of consideration. The progress of law and government, though, to be understood entirely, they must be studied elsewhere, cannot even here be overlooked; and the domestic misfortunes which imbittered the declining years of a puissant and magnificent monarch always afford lessons of signal instruction, even where there may be little to give them a claim to compassion.

His coronation and that of Eleanor were solemnised with splendour soon after his arrival from Normandy. He issued a charter confirmatory of that of his grandfather, passing by in silence the acts of Stephen's tumultuary usurpation. His first steps were those of a vigorous reformer. He took possession of the royal castles, usurped during the late confusions; he levelled with the ground the many fortresses of the same sort, erected without warrant of law, and more for the purpose of rapine than for that of security. He commanded by proclamation all the Flemish mercenaries of Stephen's army to depart from the kingdom under pain of death. He was not deterred by the abused titles of earls and barons, which that prince had lavished on these ringleaders, from resuming the lands and honours received by them as wages for their share in the oppression and destruction of the kingdom.

"He reformed the adulterated coin*," says an ancient historian, ignorant of the import of these momentous words, and as little aware of the effect of adulterating, or even reforming, the coin, in spreading disorder and suffering among mankind, as he was of the existence of the mighty powers of electricity and steam; referring, therefore, with all other men for many ages, the facts which alarmed or afflicted him to agents which had no direct share in producing such calamities. He did homage to Louis VII. for Normandy, Aquitaine, Poitou, Anjou, Touraine, and a long train of dependant territories; which must have rather awakened the jealousy, than flattered the pride, of his lord paramount.

Less than a tenth part of modern France was subject to the immediate and effective authority of Louis VII.; while the French dominions of Henry II. extended over more than a fifth of that great country, including the whole Atlantic coast, so important both in itself and for its communication with England. Both these princes were equally *French:* in that respect alike acceptable to the *French*, and, perhaps, to the ruling part of the English nation. Henry's strength enabled him safely, to assume the deportment of a vassal; and, often by address and insinuation, to dispense with the use of superior force against his liege lord. A great hereditary office† of the crown, which he held in right of Anjou, afforded him legal means or pretexts for exercising the prerogative of Louis without knowing or regarding his pleasure; and he was too wise to weaken his authority over his own vassals by the example of a needless breach of feudal duty to the king of France. The interview for doing homage was employed by Henry in disposing Louis to acquiesce in stripping Geoffrey, Henry's younger brother, of Anjou, of the appanage settled on Geoffrey by their father. As soon as Geoffrey was compelled to accept a pension instead of his principality, Henry made a progress of policy as well as magnificence through his

* "Novam fecit monetam."— *Hoveden*, 281.
† Great seneschal of France.

Aquitanian dominions; and received the fealty of his greater vassals, in a great council holden at Bordeaux. On the death of Geoffrey, in 1158, Henry enlarged his dominions under pretence of an ambiguous claim of the brother whom he had robbed of a legitimate patrimony. Charles the Simple appears to have granted to Rollo whatever supremacy the Carlovingian family exercised or claimed over the country of the Armorican Britons, so that the rulers of Britany were considered as immediate vassals of Normandy, and only through them feudally connected with the crown of France. The infidelity of an Anglo-Norman lady involved Britany in a civil war, which lasted for half a century. Duke Conan III., who had espoused and long endured Matilda, the natural daughter of Henry I., declared on his deathbed that her children were illegitimate. Amidst the contests occasioned by this unseasonable declaration, the inhabitants of the county of Nantes, the most opulent part of the Armorican peninsula, unwilling to follow the fortunes of the Celtic race in Lower Britany, chose Geoffrey Plantagenet, a neighbouring French prince, to be their count.* Henry claimed Nantes as heir to Geoffrey; and as he also affirmed that he alone, as duke of Normandy, could rightly take cognisance of pretensions to the succession of his vassal, no competitor was hardy enough to dispute the judgment of his own court, that their master was entitled to inherit the county of Nantes. His claim to the county of Toulouse is another curious specimen of pettifogging pretences for aggrandisement. William duke of Aquitaine, grandfather of queen Eleanor, married Phillippa, the only child of the earl of Toulouse, the heiress of that great territory, if it had been inheritable by females. The father, apparently deeming that it was not, mortgaged it to his brother, who was the male heir, and who, with his family, continued in possession of this province, perhaps

* Daru, Hist. de Bretagne, i. 343. A work which would have been more commended if it had not been unreasonably forced into comparison with the History of Venice, one of the greatest accessions which historical knowledge has received in our age.

larger than the domain of the Capetian kings, for seventy years, though Henry's title had been questioned by William duke of Aquitaine in 1098, and by Louis VII., as the husband of Eleanor, in 1145.* The non-prosecution of claims by powerful competitors is, perhaps, a better evidence of the general opinion of the nature of their pretensions than could have been afforded by absolutely undisputed possession.

Louis VII., whose aid was implored by his brother-in-law Raymond, the reigning count, did not on this occasion allow himself to be cajoled by Henry, but threw himself into Toulouse, to resist the self-same title under which he had claimed fourteen years before. Henry collected a great army for this enterprise, in which he is believed to have first introduced the practice of *scutage*, a commutation for military service in money†, which he employed in the hire of large bodies of the famous soldiers of the Low Countries. Before the introduction of severe discipline, mercenary troops were the most cruel of plunderers. They were not restrained by the fear of retaliation, or by the visitings of nature, which, however rarely, might soften the feudal militia. Henry, under pretence of delicacy to the lord paramount, forbore to urge the siege of a city in which that monarch was present. He contented himself with reducing some inferior towns, with laying waste the countries of Louis and of Raymond; leaving the command of his troops to Thomas-à-Becket, archdeacon of Canterbury, whom, by the advice of archbishop Theobald, he had lately raised to the office of chancellor. This memorable person, thus, according to modern principles, so unsuitably appointed to the command of lawless soldiers, had been employed in the preceding year to negotiate a treaty, in which Louis agreed to the marriage of Margaret his daughter, by Constance of Castile, then an infant of

* The facts are to be found in the great treasure of historical information, Art de vérifier les Dates, ii. 346.

† Spelm. Glossarium in voce: — *in* 1158 *ad scutagium Tholosanum* 124,000 *lib. arg. percipiti.* — A century later the commutation was 40s for every knight's fee, of which there were 40,000 in England; one half being in the hands of the clergy. Madox, however, traces scutage to the time of Henry I.

three months old, with Henry, eldest son of the king of England, who had reached the more advanced age of three years. Becket conducted the royal infant to London, where Henry caused the espousals to be solemnised before the term agreed on; doubtless with a view, by this Oriental precocity in a nuptial ceremony, to secure a pretension to the crown of France if Louis should have no male issue by his second consort, the exclusion of females by the supposed Salic law being at that time apparently either unknown or disregarded. Henry had so carefully observed the decorums of vassalage that he was formally at war only with the count of Toulouse; so that it became no difficult matter for pope Alexander III., on a visit to France in 1160, to restore the appearance of peace between Louis and Henry, who both acknowledged his authority, in opposition to that of the anti-pope Octavius, who was supported by the emperor Frederick Barbarossa. In the year 1162, a promotion occurred which proved the most vexatious event of this reign, and which necessarily withdraws the attention of the historian, as it did that of the actors, from the political relations of England with foreign states;—this was the elevation of Becket to the archbishopric of Canterbury.* The time had now come in which England was to take her share in that memorable contest between the church and the state which agitated all Christendom for a century; which had shaken Germany and Italy to their foundations; and from which the Capetian kings had hitherto owed their escape to the inconsiderable extent of the territory subject to their sway. Enough has been generally said of the ingenuity and address by which the system of the universal and unlimited monarchy of the Roman pontiff over all Christendom, indirectly extending to civil as well as ecclesiastical affairs, was gradually introduced into the

* King Henri wondede muche, to abbe men in offis
Mid him, that of conseil were god and wis.
Erceuk ne of Kanterbury Sein Tomas tho was.
The king him made is chaunceler, at is wille it nout nas.
To him the king trust mest. Ne ther nas non so heye
That so muche wuste is priuite, ne that him were so ney.
ROB. GLOUC. vol. ii. p. 468.

minds of men, through a train of premises seemingly harmless and evident, until it at length broke out into deeds of violence and usurpation, after Gregory VII. had openly avowed it as his issue in all its monstrous magnitude and deformity.* To bring the pretensions of that hideous system to trial, it was necessary that a difference should arise on some minor question, in the course of which acts must be done on both sides which would necessarily bring into discussion the nature and consequences of excommunication. This opportunity was supplied by the famous dispute about *investitures*, which relates to the question whether it was lawful for lay sovereigns to invest all prelates with the crosier and the ring, as badges of the fealty and allegiance by which every one of them held from his sovereign the temporalities of the diocess with which he was invested, as in the case of any other fief. Usage varied; law on the subject there was none; opinions differed so widely, that it was hard to find any common principle of reason to which the contending parties could appeal. The most regular and approved form, however, of episcopal election appears to have been, that the clergy and people of the diocess conjointly chose the bishop, with the knowledge and consent of the emperor; a form of speech which, if not altogether unmeaning, involves in it the necessity of his approval. When,under the last Carlovingians, and first Capetians, the church had acquired vast possessions, the bishops became, in virtue of their possessions, vassals of the crown, did homage, and swore fealty to their lord paramount, who,

* Readers, whether catholic or protestant, who are solicitous to form a right judgment concerning the disputes of ancient times, cannot be thought to do their duty without the perusal, at least, of those parts of the excellent Discourses of the Abbé Fleury which relate to this subject. The whole of the third discourse is a perfect model, not only of method, perspicuity, and knowledge, but of the higher and more rare qualities of integrity, charity, firmness, and moderation. His observations on the attempt of Adrian II., and especially on the doctrines of Gregory VII. are particularly worthy of all praise. He has well earned by them the right to make the following just reservation on behalf of his own church:—"Il est vrai que Grégoire VII. n'a jamais fait aucune décision sur ce point. Dieu ne l'a pas permis. Il n'a prononcé formellement dans aucun concile, ni par aucune decrétale que le pape a le droit de déposer les rois. Mais il l'a supposé pour constant."

on his part, gave them *investiture* of their possessions by putting into their hands a crosier and a ring. This ceremony was previous to consecration. It was no longer confined to the emperor, but is owned by the most learned writers of the Roman catholic church to have been long practised by most Christian princes. It grew into a prerogative of the most important nature, as it involved a previous negative on every choice, and in effect amounted to the ecclesiastical patronage of Europe, which was the real object of dispute between the pope, who aimed at being the exclusive possessor of the whole, and the temporal sovereigns, who sought no more than what seemed to be their respective allotments of it. As long as a German sovereign continued to call himself emperor of the Romans, it was natural that he should deem the choice of the bishops of Rome, as, more than that of others, subject to his authority, and dependant upon his approval. On the other hand, the bishops of Rome, who crowned the emperor, pretended that they had a right to withhold their ministry in that solemnity, and thus to invalidate the imperial election. The power of nomination (for such it was) was converted by secular princes, especially in the long minority and distracted reign of the emperor Henry IV., into an indecent and scandalous means of raising money, by setting up for sale at public auction the dignities and benefices of the church Gregory VII. availed himself of these flagrant corruptions as an opportunity for aggrandising the Roman see. He excommunicated and deposed Henry IV. in 1076. The emperor obtained an absolution from this sentence by sitting at the pope's gate for three days barefooted, and clad in coarse woollen. Under the auspices of Gregory, a council was held at Rome, in 1080, which invalidated all ecclesiastical appointments where the investiture was received from a layman, and denounced the whole vengeance of the church against those who confer or accept such profane titles. Finally, on the 7th March, 1080, he proceeded, in the same assembly, to a measure subversive of every power but his own. A decree was

passed, as it should seem, in the name of the sovereign pontiff alone, in which, after a long recital of facts, introduced by a solemn invocation of the apostles St. Peter and St. Paul, he deposes Henry from every power regal and imperial, absolves all who had sworn allegiance to him from their oath, and in express words raises Rudolf, duke of Suabia, to the imperial throne.* Not long after, Gregory died at Salerno, with words in his mouth which strongly evince that magnanimity and sincerity which shine through his extravagant and michievous usurpations: — "I have loved righteousness, and hated iniquity; therefore do I die in exile." The thirty years which followed were crowded with the brief and alternate triumphs of the crosier and the sceptre. At last, in an assembly holden at Worms, in September, 1122, it was agreed between Henry V. and Calixtus II., that the emperor should relinquish the practice of investiture by the ring and cross, as symbols of spiritual power; but that he was entitled to superintend the election of bishops, to decide where it was disputed, and to invest the bishop-elect with the temporalities of his see, by touching him with the sceptre. On the question whether the investiture should precede or follow the consecration the treaty was silent.† The treaty disappointed both parties, who aimed at each other's destruction. Hence the long time before they could submit to a compromise, in which, indeed, nothing but the utmost weariness could have obliged them to acquiesce. The civil power, which had been for seventy years battered by the artillery of the Vatican, now made one step in advance; for the treaty, by rendering the sovereign's investiture necessary for ecclesiastics, solemnly pronounced that there is in every community an authority independent, not only of papal but of all ecclesiastical power.

The controversy respecting *investitures* had considerably agitated England, under William II. and Henry I. The repeated banishments of Anselm, who

* Dumont, Corps Diplomatique, i. 51—53.
† For more than one edition of this *Concordatum*, see *Dumont*, i. 66, 67.

faithfully and courageously adhered to what he thought the interests of religion as well as the rights of the church, were the rewards and proofs of his virtue.

Before we take a view of the war between church and state in England, we must for a moment describe its renewal in Italy, the seat of one of the contending authorities, and the prize which was coveted by the other; where it was waged on a greater scale, and attended, if not by more interesting incidents, yet by more memorable effects. After the peace of Worms, the empire and the papacy, worn out by a long and fierce struggle, seemed desirous only of repose. It is one of the most melancholy features of barbaric history, that it generally exhibits those high faculties and that commanding energy which are capable of blessing mankind, as almost invariably employed in oppressing and destroying them. War is the only scene in which it then seemed possible to put them forth, and kings who were not conquerors were commonly slothful, imbecile, or immersed in sensuality. The elevation of Frederick Barbarossa to the throne gave a new blow to the quiet of Italy and of Germany. He was unanimously chosen king of Germany at Frankfort on the 5th of March, 1152.

Frederick may be justly considered as the greatest ruler who had arisen among the Teutonic nations since Charlemagne, whom he resembled in ability for war and civil administration, in respect for knowledge, in some perception of the use and dignity of legislation, and in the variety of matters, as well as the multitude of remote and unlike territories in which he employed the unwearied vigour of his mind and body. His first object was to acquire a real authority in Italy, of which lawyers and treaties styled him the sovereign. The two grand obstacles to his purpose were the pope, who needed his help but dreaded a powerful deliverer, and the towns of Upper Italy, which having subdued the petty tyrants in their neighbourhood, without throwing off all nominal connection with the empire, had revived the spirit and prosperity, and promised once more to exhibit the mental

power as well as the outward wealth of the Grecian republics. Frederick vanquished the towns, and razed Milan to the ground. After delivering Adrian IV. from the republic of Rome, and putting into his hands Arnold of Brescia, the disciple of Abelard, who had restored the ancient names, at least, of Roman liberty, and whom the unrelenting cruelty of cowardice instantly destroyed by the flames, Frederick, twice master of the imperial city, was crowned emperor of the Romans in the Capitol. His warfare with the republics was carried on with various success. He supported two *anti-popes* (popes not acknowledged by the party finally victorious), and was more often the enemy than the friend of the legitimate papacy. At length the emperor, despairing, probably, of the allegiance of cities which revolted as often as his feudal militia necessarily returned from their inroads, and disposed to retain some hold on the attachment of Lombardy by a more magnanimous policy, made peace with the Lombard cities on terms most advantageous to them, though in the form of an edict, issued at a diet of the empire, holden at the city of Constance, on the 24th of June, 1183,—specious formalities by which he considered himself as saving from degradation the imperial crown. The substance of this important document*, to which the same rank in the public law of Europe was assigned for ages, which afterwards devolved on the treaty of Westphalia, is a grant to the towns of all the regal rights which they had exercised, and a recognition of the validity of all the usages which prevailed among them. It was an acknowledgment of their independence by their ancient sovereign, who had not yet renounced every shadow of right to the sovereignty of Europe. Considering the effects of such concessions to the inhabitants of towns, on the general opinion respecting that class, the day of the signature of the edict of Constance may be numbered among the most remarkable epochs in the long progress of human society. His career was closed at the head of 150,000 men, whom he

* Dumont, Corps Diplom. i. 98.

led to the Holy Land to recover Jerusalem from the hands of Saladin, who had lately subdued it. After enduring many of the hardships of a crusade, he vanquished all the enemies whom he met: the way was open to Syria; and Saladin himself declared, that "he should leave it to the emperor and the princes to decide how much territory he might rightfully retain." As the army marched from Seleucia, in Cilicia, on the 10th of June, 1190, the emperor arriving on the banks of a small river called Salef (the ancient Callicadnus *), saw his army and baggage crossing it by a bridge so narrow, that to have waited till it was opened for him would have cost more time than he had the patience to sacrifice: he plunged, to swim over the river on horseback; the stream was impetuous; it carried his horse away; and when the body of the emperor was brought on shore life had departed from it.

"The death of Frederick was bewailed," says the eloquent historian of the Italian republics, "by the cities on which he had inflicted severe vengeance." His army loudly deplored the loss of a sovereign, a general, a father.†

In the Italian wars of Frederick some of those intricate combinations occurred which perplex the judgment, and distract even the wishes of the spectator. In his labours to re-establish in Germany an order long unknown, he treated the princes of the empire arbitrarily, and appeared to exert an absolute power, which he believed himself to inherit from Constantine and Charlemagne. In Italy, accidental circumstances made him, at the same time, the enemy of the pope and of the republican cities. Piety and freedom are natural allies; but in his reign was first seen the rare union of ecclesiastical power with civil liberty. Hence arose parti which tore Italy in pieces for ages. The origin of t famous names of Guelphs and Ghibelines is singular. A battle was fought in Suabia, in December, 1140, by

* Not the Cydnus in which Alexander bathed, which does not suit the geography of the march.

† Raumer, Geschichte der Hohenstaufen, ii. 437.

the generals of the emperor Conrad of Hohenstaufen (a family which had only emerged from obscurity within a century) against Welf or Guelf, duke of Bavaria, a member of a house which traced their pedigree, by the light of history, to the reign of Charlemagne, and fancied that they saw it through the mist of legends, as far as the invasion of Attila.* At this battle the cry of the imperialists was *Waiblingen,* a village belonging to their master, where they had been quartered. That of the opposite army was *Welf;* the illustrious name of their leader. Hence Ghibeline, a corruption of Waiblingen, came in Germany to signify an imperialist, and Welf, or Guelph, an adherent to the great vassals of the empire, at the head of whom were the Guelphs. In Italy Ghibeline retained its old sense, as a partisan of the emperor. Guelph naturally slid into the signification of a partisan of the pope, the principal enemy of the emperor. The coincidence of interest and enmity which united the pope with the republican cities, gave to this latter word some tinge of the more generous character of a lover of liberty. Both these names long survived their early significations, or were too slightly connected with them to justify the further prosecution of enquiry into their history.

We must now return from these great revolutions to contemplate in England the agency of the same principle of animosity between church and state, which agitated all Christendom in different forms, and under various names. Thomas-à-Becket, the hero and martyr of the ecclesiastical party, was the son of a citizen of London, as ancient chroniclers tell us, by a Saracen lady, under circumstances which, however repugnant

* The opinion of Raumer has, on this subject, great weight. The marriage of Azo, marquis of Este, with the heiress of the house of Guelph, leaves the German pedigree of that great family in more ancient times in obscurity. Though it be true that genealogy, before the use of hereditary surnames, is very doubtful, yet there certainly are distinguished families, chiefly on or near the Upper Rhine, who carry back their pedigrees beyond the ninth century, by historical, though not by legal, evidence. The grandeur with which the Guelphs appear at the dawn of history renders it not improbable that they and their undisputed descendants, the Brunswicks, may be numbered among the few exceptions.

to the course of ordinary life, must have been probably more than once combined in the crusades. Gilbert his father made an expedition to the Holy Land, probably not without some views to his calling as a trader. He and his only attendant Richard were made prisoners by a Mussulman emir, whose daughter they were permitted sometimes to see; a permission which loses much of its improbability, if we suppose that he was employed in procuring European ornaments for her, and was allowed to see a lady so exalted above him from a mixture of convenience and contempt. She asked him about his religion, and whether he was ready to risk his life for his God. "To die," he answered.—"Then," said she, "let us escape together." He could not refuse. Either his courage left him, or the attempt failed. He escaped with safer companions. She afterwards broke her prison; and by the repetition of the word "*London*," found her way marvellously by sea and land to that city, where she had no other resource than that of crying through the streets *Gilbert!* the name of him whom she loved; the only European word, besides *London*, with which the forlorn damsel of Syria was acquainted. After many adventures she was at length recognised by the faithful Richard, baptized with the royal name of Matilda, married to her Gilbert, and she became the mother of Thomas-à-Becket.* This child of love and wonder was beautiful, brave, lively, even lettered; and we must not wonder that he plunged into the parade and dissipation of the noble companions who condescended to receive him among their friends. He appears to have been originally made provost of Beverly, before Theo-

* John of Brompton, on whose testimony I fear alone this pretty romance rests, was a writer of the reign of Edward III. Neither Matthew Paris nor Hoveden, nor, I presume, William of Newbridge, mentions it. Gervas, who has been quoted for it, says only that Becket's mother was named Matilda, rather a slight corroboration of Brompton. But the latter writer is not contradicted, and the incident is not a very improbable part of the life of a crusader. Perhaps the strongest objection to the story is the unlikelihood of its being overlooked by so many writers if it had been true. The silence of Robert of Gloucester, who probably died under Edward I., is unfavourable to the existence of the story, as a popular tradition relating to an English saint. Little weight is due to the silence of Peter of Blois and John of Salisbury.

bald had prevailed on the king to make him archdeacon of Canterbury, and subsequently chancellor. His manners and occupations, his pursuits, his amusements, were eminently worldly. When Henry told him, that he was to be archbishop of Canterbury, he smiled at the metamorphosis: when spoken to more earnestly, he appears to have agreed with all other men in thinking, that the choice could only have arisen from Henry's confidence in him as a blind instrument in his expected contests with the church. Honour alone was, perhaps, enough to call up a sudden blush at so degrading a reliance. "Do not appoint me, sir, I entreat you. You place me in the only office in which I may be obliged no longer to be your friend." Thus far his deportment was manly; what followed is more ambiguous. He immediately dismissed his splendid train, cast off his magnificent apparel, abandoned sports and revels, and lived with fewer attendants, coarser clothes, and scantier food, than suited the dignity of his station. That extraordinary changes suddenly manifest themselves, especially in a lofty and susceptible spirit like that of Becket, is certainly true; and it is evident, on a merely human view of the subject, that personal honour might have quickly revived the sense of professional decorum, and led rapidly to the simple conclusion, that the only sure way of appearing to be good is by being so in truth. A man of decisive character might seek to secure himself from relapse by flying to the opposite extreme in his outward deportment. It is not to be certainly pronounced, that either the subsequent violence of his policy, or the gross inconsistency of some parts of his conduct with his professions, decisively excludes the milder construction of his motives. Moderation is the best pledge of sincerity, but excess is no positive proof of hypocrisy. Though those who suddenly change the whole system of their conduct have most need of candour, they are by no means at all times the foremost to practise it. But the conduct of Becket has too much the appearance of being the policy of a man who fore-

saw that he was about to carry on war, as the leader of a religious party; and that it was necessary for him to assume that ostentation of sternness, and display of austerity, which the leaders of such parties have ever found to be the most effectual means of securing the attachment of the people, and of inflaming their passions against the common enemy. Religion might even acquire a place in his mind which she had not before; but it was so alloyed by worldly passions, that it is impossible for us to trust on any occasion to the purity of his motives. The common objects of vulgar ambition were undoubtedly sacrificed by Becket. He lost high office and unbounded favour. He preferred to them dominion over the minds of men, and the applause of the whole lettered part of Europe.

In the year 1163, the hostilities between church and state began.* Many instances of the most scandalous impunity of atrocious crimes, perpetrated by ecclesiastics, had lately occurred. The king, incensed by these examples, which he justly imputed to the exemption of the clergy from trial before the secular courts, while the ecclesiastical tribunals to whom they were subject had no power to inflict capital, or, indeed, any adequate punishment, called together a great council at Westminster, and required the bishops to renounce for their clergy an impunity as dishonourable to themselves as inconsistent with order and law. He required that every clerk taken in the act of committing an enormous crime, who was convicted of it, or had confessed it, should be degraded and forthwith delivered over to secular officers for the purpose of condign punishment. Finding it difficult to obtain this moderate demand, he tried to obtain the same object in less offensive language. He asked if they were ready to observe the customs and prerogatives of Henry I.? The archbishop answered, "Yes; saving the rights and privileges of their order†;"—one of those reservations which seem specious

* Hoc anno gravis discordia orta est inter regem Anglia et Thomam Cantuarensem archiepiscopum. — *Hoved. sub anno* 1163.

† "Salvo ordine suo."

till it be discovered that they destroy the concession to which they are annexed. The king left them with just displeasure: — they followed him to Woodstock, where they assented to the demand without any saving of the rights of their order. The archbishop was not persuaded to follow his brethren till the last moment.

Henry then called a general council at Clarendon, about the end of January, 1164, to give the form of law and the weight of national assent to the moderate concessions which the clergy had made to good order and public justice.

The assembly at Clarendon seems to have been the most considerable of those which met under the title of the Great or Common Council of the Realm since the Norman invasion. They were not yet called by the name of a parliament. But whatever difficulty may exist concerning the qualifications of their constituent members, there is no reason to doubt that the fulness of legislative authority was exercised by the king only when he was present in such national assemblies, and acted with their advice and consent. The king made his propositions to the parliament in the form most inoffensive to the church, as a recognition and affirmance of the customs and liberties observed in the time of his predecessors, especially of the late king; which, however disregarded in practice, yet by force of the comprehensive clause restoring the Saxon laws might be easily made to extend to the concessions he had required from the clergy. These usages were contained in sixteen articles; of which the principal were, That all clerks summoned to answer for a crime should come before the king's justices; that if they were convicted, or had confessed, the church was no longer to protect them; that no ecclesiastical person should quit the realm without the king's licence, and that they should find security, if the king required it, not to delay in going or returning; that all causes not ecclesiastical should be finally determined in the king's courts; and that no ecclesiastical appeals should proceed beyond the archbishop's

court without the king's assent; that all ecclesiastical persons who are tenants of the crown *in capite* shall follow the king's customs, sue and be sued respecting their fiefs before his justices, and attend like other barons at his courts till judgment of life or limb shall be necessary; that vacant dignities in the church shall be in the king's hands; that he shall receive the profits as his seignorial dues; that when the king provides for the vacancy, the election shall be made in his presence, and with his assent, and that the person elected shall take the oath of homage and fealty to the king as his liege lord. "Thus," says an ancient historian, whose professional prejudices seem on this occasion to have subdued his independent spirit, "was lay authority over all ecclesiastical persons or things, and the contempt of ecclesiastical law established amidst the murmurs of the bishops, but without resistance from them."* Thomas archbishop of Canterbury, full of contrition for apparent acquiescence, however excused by fear and danger, openly did penance for his culpable weakness. He attempted to escape into France; but he was arrested at Romney for an offence against the Constitutions of Clarendon. Having for a time administered the royal demesnes of Eye and Berkhampstead, he was summoned to account for rents and profits before a great council holden at Northampton. He pleaded a release by Henry the king's son, which was over-ruled justly, though the suit was intended only as a measure of war against him. When sentence was pronounced by the bishops and barons, he lifted up the cross which he held in his hand, and with his eyes fixed on it, slowly walked out of the court. In the ensuing night he found means to leave the town; and hiding himself during the day, he reached, by nocturnal journeys, the port of Sandwich, from which a small bark conveyed him to Flanders, where he went to pay his homage to the pope, who was then at Sens, and by whose influence he obtained an

* Matt. Paris, 85.

honourable and secure asylum in the splendid abbey of Pontigny, in Burgundy.

As far as the arguments of the ecclesiastical party against the statutes of Clarendon are separable from the Hildebrandine system, which has already been sketched, they are in general founded on an appeal to positive law, rather than on the consideration of what law ought to be. For the immunity of clerks from civil jurisdiction, the principal authorities appealed to were the assertions of Gratian, the compiler of the famous Digest of Canon or Ecclesiastical Law, for which that writer quotes the forged Decretals ascribed to Isidore; a pretended law of Theodosius, adopted by Charlemagne, and a part of a *novel* of Justinian, of which the context proved the contrary.* It is true that the spuriousness of these legal authorities might have been, and probably was, unknown to Becket and his contemporaries; who, with all their power of discrimination and ingenuity, were yet so grossly ignorant of the languages, of history, and of criticism, that they were incapable of detecting the most gross impostures. Had the authorities been as genuine as they were supposed to be by Becket, they might be regarded as excusing a disorderly zeal for privileges enjoyed by his order under laws then in force; but they never could be supposed to stand in the way of a legislature about to adopt measures for rendering the administration of justice impartial and vigorous. If Theodosius, Justinian, and Charlemagne, had granted such immunities, it was evidently the *duty* as well as *right* of the king and parliament of England to deliver the people entrusted to their care from such evils as soon as their nature was discovered. The legislature, indeed, chose to give the name of ancient usages to the regu-

* Fleury, Quatrième Discours sur l'Hist. Ecclésiastique. "Cette constitution, ainsi altérée, fut le principal fondement de St. Thomas de Cantorberi pour résister au roi d'Angleterre." Pour prouver l'immunité des clercs, Gratien rapporte quatre fausses decrétales. 1. La prétendue lettre du pape Caius à l'evêque Félix. 2. Les lettres du pape Marcellan. 3. Celles du St. Silvestre dans un concile Romain. 4. La fausse loi de Constantin, adoptée par Charlemagne, qui renvoye aux évêques tous ceux qui les auront choisis pour juges malgré les parties adverses. — *Fleury, Septième Discours.*

lations made at Clarendon. This might in part be historically untrue. It was done, doubtless, in some measure to render them more venerable in the eyes of the people. The clergy might have acquiesced in the fiction as partly meant to spare their feelings; but nothing depended on it. The constitutions derived their force from *enactment*, not from antiquity. It may be observed that one of them, which regards *homage* and *fealty*, and nearly touches *investitures*, follows the spirit of the compromise on that subject between Henry I. and Pascal II., which extremely resembles the provisions of the treaty of Worms. No doubt can be thrown over this controversy without impugning one of two propositions, of which both seem almost self-evident; — that justice requires all orders of men to be equally amenable to, and equally punishable by, the law; and that the legislative power in every commonwealth is bound to provide for such equal distribution of justice to all those who are committed to their charge.

It is on this as on most other occasions much more easy to decide on the justice of contending claims than to form a right judgment of the motives of the claimants, or to estimate the political consequences of the success of either party, immediate or remote. The object of the Hildebrandists was absolute domination over the laity. The aim of the king was absolute power over clergy and laity. The means employed by Henry were arbitrary, and often odious. Had the sceptre obtained a complete victory, Europe would have been the prey of the men of the sword. Had the crosier been decisively successful, the clergy would have established a more lasting, a more searching, and a more debasing, though a more mild and regular, despotism over the thoughts and feelings of men.

Fortunately for Becket the jealousy and disunion between the kings of France and England disposed Louis and emboldened the pope to protect the obnoxious exile. When Henry learnt that he was well received, he sent

an embassy of expostulation to Louis, and a splendid embassy or deputation (of which the archbishop of York was at the head) to justify himself to the sovereign pontiff. His ambassadors complained to Alexander that their master was compelled to take measures against the primate for his contumacy in defying the jurisdiction of the national assembly (comprehending all other prelates) in a matter so exclusively civil as an account of the management of the king's lands. They also made earnest suit that two legates should be sent to England, to hear all matters in dispute without appeal. The pope determined that the lower power should not judge the higher, and therefore reversed and made void the judgment of the barons and bishops, particularly as it confiscated the possessions falsely called the archbishop's, but really pertaining to the see of Canterbury, authorised the primate to exercise ecclesiastical justice on all who should forcibly enter them by colour of that judgment, but sparing and exempting the king from the archbishop's excommunication or censure.*

As soon as Henry learnt the reception of Becket in France, he issued writs † to all sheriffs, commanding them to seize all rents and possessions of the primate within their bailiwicks, and to detain all bearers of appeals to Rome till the king's pleasure should be known. He commanded the justices in the like form to detain on the same condition all bearers of papers from the

* In 1165 the elector of Cologne came to London to espouse the princess Matilda, *the king's eldest daughter*, as the proxy of Henry the Lion, duke of Saxony, a puissant, ambitious, and magnificent prince, who was spoiled of his dominions by a decree of the imperial diet, in 1180, and who twice took refuge in England from the pursuit of his triumphant enemies. It is a remarkable circumstance, that his posterity by this lady, who out of the vast dominions of their ancestor preserved only the duchies of Brunswick and Luneburgh, after the lapse of near six hundred years, came back to the throne of a greater England than the empire of the Plantagenets, to be holden by a nobler tenure than that of birth. At the espousals the earl of *Leicester would* not kiss the archbishop-elector, because he was excommunicated as an adherent of the anti-pope Octavian.

† The documents printed in Matt. Paris seem to be the original writs: in that case they are probably the most ancient specimens of our legal process now extant. By a writ every legal proceeding is now commenced. By a charter, many legal or political rights are created or conferred. The former meant at first only a writing, and the latter a paper. When writing was known to few, the acceptation of the words was naturally confined to the most important writings on paper.

pope or primate purporting to pronounce an interdict of Christian worship in the realm, all spiritual persons or laymen who should adhere to such interdict, and all clerks leaving the kingdom without a regal safe-conduct.

Becket was so intoxicated by the favour of the pope as to declare, that "Christ was again tried, in *this case*, before a lay tribunal, and once more crucified in the person of his servant." * Alexander, encouraged by his more secure power, intimated to Becket that he might proceed without restriction. Becket immediately went to Vezeley, where, on Ascension-day, when the church was most crowded, he went into the pulpit, and "with book, bell, and candle, solemnly cursed all the maintainers of the customs called in the realm of England the customs of their elders." Henry threatened that if Becket, after such an outrage, should be sheltered at Pontigny, he should seize the Benedictines' estates in his territories: Louis was then obliged to carry Becket with him from Burgundy. Various angry proceedings ensued on both sides, in which Becket's tone rose or fell with the unfriendly measures of Louis towards Henry. Two legates arrived from the pope, who laboured to evade a decision, by persuading the parties to a compromise. Henry was at one time (1168) prevailed on to assent to the return of the archbishop and his adherents; but on second thoughts insisted in adding, "saving the honour of his kingdom,"—a salvo which Becket understood too well to accept. Becket afterwards agreed to throw himself at the feet of his sovereign, but proposed the necessary reservation of the "honour of God, and the rights of holy church." The two kings being present, Henry said to Louis, "Whatever displeaseth that man is taken by him to be contrary to God's honour; but to show that I do not withstand God's honour, what the greatest and most holy of his predecessors did unto the meanest of mine, let *him* do the same unto *me*, and I am contented therewith." All the company present called out that the

* Epist. St. Thom. lib. i. — *Matt. Paris*, 89.

king had humbled himself enough. The king of France said to Becket, "Will you be greater than saints, and better than St. Peter?" His answer was disrespectfully evasive, and *all* blamed his arrogance; but when Henry urged Louis to withdraw his protection from a man thus insolent and contumacious, the king of France, who began then to think himself more near the brink of a rupture with England, answered, with much appearance of magnanimity, "If the king of England will cling so strongly to what *he* calls the customs of his forefathers respecting the church, he should allow *me* to adhere to the custom of my progenitors, which ever was to protect the fugitive and the exile."

The pope, not without misgivings, authorised Becket to proceed to extremities against all offenders, with the single limitation of not including the king by name. The archbishop was not slow in exerting his terrible powers. He excommunicated the bishop of London, and caused the sentence to be served on him while he was officiating in his cathedral church of St. Paul. He laid the province of Canterbury, including more than three fourths of the kingdom, under an interdict. But these thunders played harmlessly round a monarch so well acquainted with the art of command. No more than a few parishes shut their churches; yet the pope had almost emptied his quiver. On the other hand, the two kings began to incline towards peace, and Becket was compelled to bend the neck at the nod of his sole armed protector. A single scruple delayed the accommodation. Becket required that he should be saluted with the kiss of peace, as a pledge of sincere reconciliation. Henry declared that he was bound by a vow never to kiss Becket. On such pettifogging superstitions did the faith and honour of a chivalrous age depend. At length, in 1170, it was agreed to elude the chief difficulty by silence on the original subjects in dispute, to require no express submission to the statutes of Clarendon from Becket, but to restore him to his see, to be holden as it was by his predecessors.

This pacification was formally announced to Henry, the king's son, who had lately been crowned, and, with the title of king, governed England, recommending to him that both the archbishop and all those who for his cause departed out of the realm may remain in peace, and have all their goods restored in such quiet and honour as they enjoyed within three months before their departure. *

Becket arrived at Canterbury in December, 1170. After so fierce a contest, before deep wounds could be more than thinly skinned over, and when both parties were required to be implacable by enraged retainers, the pacification must have been in a trembling condition, where it required the utmost prudence and temper on all sides to observe it. Becket's mind, agitated by distrust, by mortified pride, distracted between fear and satisfaction, must have been in a state which should exempt him from harsh judgment. But his letters, or those of his agents, ought not to be received as decisive evidence of the bad faith of the king.

It must be owned that Becket refused to do what was evidently implied in the general amnesty. He would not take off the whole of the ecclesiastical censure from the prelates, who had suffered it on account of their obedience to the king's commands. He refused to take the oath of homage for his barony. The archbishop of York, and the bishops of London and Salisbury, went to Normandy to complain of this insolent breach of the peace: tidings, at the same time, reached the court that he had pronounced an entirely new excommunication against one of the king's servants, for acts done in obedience to the king, and before the accommodation. Provoked by these (at least) acts of extraordinary imprudence, Henry is said to have called out, before an audience of lords, knights, and gentlemen, "To what a miserable state am I reduced, when I cannot be at rest in my own realm by reason of only one priest; there is no one to deliver me out of my troubles!"

* Nov. 1170. Rym. Fœd. i. 26. Nova editio et Matt. Par. 102. probably the original.

Four knights of distinguished rank *, William de Tracy, Hugh de Moreville, Richard Britto, and Reginald Fitz-Urse, (Dec. 28.) interpreted the king's complaints as commands. They repaired to Canterbury, confirmed in their purpose by finding that Becket had recommenced his excommunications by that of Robert de Broc, and that he had altered his course homeward to avoid the royalist bishops on their way to the court in Normandy; they instantly went to his house, and required him, not very mildly, to withdraw the censure of the prelates, and take the oath to his lord paramount. He refused. John of Salisbury, his faithful and learned secretary, ventured at this alarming moment to counsel peace. The primate, perhaps precipitately, but not pusillanimously, thought that nothing was left for him but a becoming death. The knights retired to put on their armour; and there seems to have been a sufficient interval either for negotiation or escape. At that moment, indeed, measures were preparing for legal proceedings against him. But the visible approach of peril awakened his sense of dignity, and breathed an unusual decorum over his language and deportment. The monks could not prevail on him to be absent from vespers. He went through the cloisters into the church, whither he was followed by his enemies, attended by a band of soldiers, such as they had hastily gathered. They rushed into the church with drawn swords. Tracy cried out, "Where is the traitor? Where is the archbishop?" Becket, who stood before the altar of St. Bennet, answered gravely, "Here am I: *no* traitor, but the *archbishop*." Tracy pulled him by the sleeve, saying, "Come hither — thou art a prisoner." They advised him to flee. He pulled back his arm with such force as to make Tracy stagger, and said, "What meaneth this, William? I have done *thee* many pleasures. Comest thou with armed men into my church?"—"It is not possible that thou shouldst live any longer," called out Fitz-Urse. The intrepid primate replied, "I am ready

* "Viri quidem generis eminentiâ conspicui."—*Hoveden.*

to die for my God in defence of the liberties of the church." At that moment, either by a relapse into his old disorders, or to show that his non-resistance sprung, not from weakness, but from duty, he took hold of Tracy by the habergeon or gorget, and flung him with such violence as had nearly thrown him to the ground. He then bowed his head as if he would pray, and uttered his last words, — "To God and St. Mary I commend my soul and the cause of the church." Tracy aimed a heavy blow at him, which fell on a by-stander. The assassins fell on him with many strokes; and though the second brought him to the ground, they did not cease till his brains were scattered over the pavement.

Thus perished a man of extraordinary abilities and courage, turbulent and haughty indeed; without amiable virtues, but also without mean vices; who doubtless believed that he was promoting the reign of justice by subjecting the men of blood to the ministers of religion; but who was neither without ambition nor above the vulgar means of pursuing his objects. That Henry did not intend the murder of Becket may be concluded from the legal hostilities which were in contemplation against him, and from a confidence that so sagacious a monarch must have foreseen much of the mischief which this atrocious deed actually brought on him. It is deserving of observation, how many murders were perpetrated in churches in those ages, when they sheltered the worst criminals from justice. Since the period when they are considered with reasonable respect, and have ceased to enjoy a discreditable immunity, they have also ceased to be the theatre of such bloody scenes.

The conspirators, despairing of pardon, found a distant refuge in the castle of Knaresborough, in the town of Hugh de Moreville, and were, after some time, enjoined by the pope to do penance for their crime, by a pilgrimage to the Holy Land, where they died, and were interred before the gate of the temple. In the mean time a general cry was raised against the king of England. The French king and several of his great vassals pressed

the pope to avenge the cause of religion and humanity. An embassy to Rome from Henry obtained an audience with difficulty; and as soon as they uttered the name of their master the by-standers cried out to the pope, "Will you bear it?" Every thing seemed to threaten an *interdict*, no longer a weapon in the warfare of ambition, but seconded by the natural compassion and honest indignation of mankind. Henry perceived his danger; and the politic pontiff was more desirous of displaying than of exhausting his power. He contented himself with a general excommunication of the murderers and abettors. Two papal legates held a council at Avranches, in the end of September, 1172, where the king made oath on the Holy Gospels and sacred relics, in the presence of the clergy and the people, that he neither commanded nor desired the murder of the archbishop; but that he submitted thus to purge himself of the offence, because the malefactors might have been moved to the perpetration of that profane deed by the disturbance and anger in which they saw their sovereign. He swore that he should adhere to Alexander as lawful pope; that he would not prevent appeals to Rome in ecclesiastical causes; that he would take up the cross in three years, pardon the companions of the archbishop, and restore the possessions of the see of Canterbury. To these conditions he made an addition, too vague to be decisive, that he should relinquish the customs against the church introduced in his time. On these terms the nuncios, by authority of the pope, absolved the king. In the following year Becket was canonised, and Henry made a humiliating pilgrimage to his tomb.

Scarcely had these commotions subsided, when a calamity befell Henry, which, if not so bitterly felt by kings as by private men, falls, at least, more often to their lot. He was now the most powerful of European monarchs. His alliance was every where courted. His resentment was dreaded; and the princes who submitted their differences to his arbitrament placed a trust in his justice which might seem perilous, were it not that

Castile and Navarre might deem themselves covered by the Pyrenees against his projects of aggrandisement. The invasion of Ireland, and the recognition of Henry, though only as lord paramount, and with no more territory directly subject to him than the coast from Dublin to Waterford, by Roderic king of Connaught*, contributed more than their due share to the renown of his policy and his arms. His escape from the consequences of Becket's murder, with no other sacrifice than an evasive renunciation of the statutes of Clarendon, partook little of defeat. In this flourishing state he became an object of personal as well as of politic jealousy to his neighbours. A vast confederacy was secretly formed against him. Three of his sons had been successfully practised upon by the confederates. Henry Court Mantle, the eldest, though he had been crowned two years before, was at this period only eighteen years of age; Richard, sixteen; Jeffrey, fifteen; John, the youngest, was a child of five years old. Louis VII. often engaged in quarrels with Henry, and, familiarised with interference in English affairs by the long negotiations on the case of Becket, found no difficulty in rousing the premature ambition of young Henry his son-in-law. He was easily persuaded to consider the grant of some part of his father's dominions as implied in his nominal royalty, and as the only means of guarding a royal youth from the degrading mockery of bearing a barren sceptre.

The refusal threw the young king into the hands of the conspirators. Henry's dissolute life had raised up a mortal enemy against him in his own house. Eleanor, more incensed at his inconstancy than it became her to avow, was their most effective instrument. Parental discord was of itself sufficient to destroy the affection of children, even without her furious excitements. Gratitude, on which he perhaps relied, gave way: for, as he had given crowns and provinces to his children in their

* Finis et concordia inter Henricum filium imperatricis regem Angliæ et Rodericum (O'Connor) regem Connactiæ, facta apud Windsor, in Oct. St. Michael. 1175. — *Rymer*, i. 31.

boyhood, in order to strengthen himself, it was not unnatural that those who were too early used as political tools might grow into unseasonable rivals. The conspiracy spread itself widely. William the Lion, king of Scotland, was tempted into it by a promise of Northumberland; the county of Kent, a more dangerous bribe, was to be the reward of the earl of Flanders; the earls of Boulogne and Blois were to receive allotments proportioned to their services. The hopes of Louis were, probably, too extensive to be trusted to the words of a treaty. The great barons of Henry's continental provinces fluctuated between the two kings, and were led to the side of Louis by the example of the Anglo-Norman princes. Britany threw herself into the arms of France. That great province, which never acknowledged herself to be a fief of Normandy, and scarcely owned the seignory of the French monarch, had fallen to Constance, the daughter and heiress of the last duke, whom, as his ward, Henry destined to be the wife of his third son Geoffrey. With no other colour than his own intention to wed his son to Constance, he proclaimed that prince duke of Britany, in 1169, when he was only eleven years of age. The nuptials, which alone could have conferred the title, were not solemnised till eleven years afterwards, and might never have been completed. Richard, on whom, at the age of twelve, Henry had conferred the duchy of Aquitaine, found the same hostility to his father prevalent in that province which his mother had instilled into his own mind. Both these duchies, influenced by permanent causes, espoused the interest of the princes during the whole sequel of the civil war. The conduct of these youths themselves was that of weak and wanton boys, easily incited to pursue dazzling objects, foolishly astonished at discovering obstacles, overawed for a time by every breath of their father's displeasure, and yet relapsing into a mutinous temper, of which they had not sense enough to be cured by experience. Their dissensions lasted for two years. Gascony was the seat of civil war; Britany was in a state of revolt;

Normandy assailed by the French and the Flemings; the southern provinces of England invaded by discontented lords; the northern counties over-run and cruelly laid waste by the Scots. The Brabançons, the most celebrated mercenaries of the age, added fresh fuel to the flame by enlisting on both sides. The foreign enemies were on all sides repulsed. The king of Scots was utterly defeated, and made prisoner by Ralph de Glanville, afterwards the noted chief justice. He obtained his liberty by subjecting, for the first time, his whole kingdom to Henry as lord paramount. The king compelled the French and Flemings to raise the siege of Rouen. A pacification was brought about at Falaise, on the 28th of September, 1174, by which the princes were pardoned, received into favour, and enriched by new liberalities, with an universal amnesty and forgiveness to all their supporters, except the king of Scots and the earls of Chester and Leicester, who, being already prisoners, were to be separately treated with.*

The kings of France and England having now (1178) agreed to join Barbarossa in his expedition for the recovery of Jerusalem, their long jealousies seemed to be somewhat composed. Henry Curthose appeared to be really reconciled to his father. Richard was fully occupied in reducing his revolted vassals in Gascony. But Geoffrey, the younger son, said, with truth, that the detestation of his family for their father never was thoroughly suspended but by their hatred of each other. Henry proposed to his younger sons that they should take the oath of fealty to the young king their brother. Geoffrey submitted; but the fiery and furious Richard resented the proposal as an indignity. A horrible war ensued between the brothers, in which neither party gave quarter. The young Henry, whether from fatigue or agitation, died on the 11th of June of this year, suffering under agonies of remorse, which, as they were unhappily regarded as a sufficient atonement, served rather to allure to the perpetration of crimes than to deter from it.

* Rymer, i. 30. Hoveden, 309.

A new feud sprung up in the next year between the king and the most turbulent of his sons, Richard, who, as he was now heir-apparent, was desired by his father to resign Aquitaine to his brother, then sixteen. Open enmity, if not active hostilities, followed, and do not appear to have substantially ceased during the gloomy remainder of this active and prosperous reign. Geoffrey besought his father to add Anjou to Britany. Henry refused. Geoffrey repaired to the court of France, never so heartily reconciled to Henry as not to be the resort of English and Norman malecontents. He died there in the summer of 1186, leaving only one infant daughter, for whose guardianship, which amounted to the sovereignty of Britany, the two monarchs prepared to go to war, Henry contending that the guardianship was in the immediate superior, Philip Augustus maintaining that it was in the lord paramount.

A truce was adopted under the mediation of the papal nuncios; and long before its expiration Constance, duchess-dowager of Britany, was brought to bed of a posthumous son, who was named Arthur, and during whose minority the states chose Constance to be regent, under the protection of Henry. During that time the restless Richard renewed his intrigues at the court of France. In spite of new oaths of fealty, he finally forsook his father, and accompanied Philip in the invasion of the territories which were to be his own. Henry, pursued by the too successful Richard, and deserted at his utmost need by his unworthy favourite John, died at the castle of Chinon, on Thursday the 5th of July, 1189, in the thirty-fifth year of his reign and fifty-seventh of his age. Eleanor his queen survived him many years, the firebrand of his family, in whose eyes the fair dowry of Aquitaine appeared a cover for every crime. She not only stirred her sons to rebellion, but appeared at the head of their army in Aquitaine, where she was made prisoner in man's apparel, and confined in close custody till the visit of her daughter, the duchess of Saxony, when, as a becoming concession to her feelings, her

unamiable and culpable mother was released. Popular traditions ascribe her offences to jealousy of Rosamond Clifford, the daughter of a gentleman of Herefordshire, to whom these traditions also ascribe all bodily attractions, and most good qualities of mind. The king is said, or rather fabled, to have provided for the safety of his lovely mistress by building a house for her at Woodstock, of which the approaches formed a labyrinth so intricate that it could not be entered without the guidance of a thread, which the king always kept in his own hands. The queen, according to the same legend, gained possession of the thread, and by means of it destroyed her fair and amiable, though not spotless, rival. Daniel, who has handled these romantic circumstances in verse with elegance and tenderness*, omits them, judiciously, in his history, where he contents himself with giving her the epithet of "Fair," which popular affection had made a part of her name. If Eleanor was guilty of this crime, it had no palliative from recent jealousy, since the younger son of Henry, by fair Rosamond, was twenty years old at the time of the rebellion of the princes.†

In the reign of Henry II. important changes of ancient usage and law were matured, and became conspicuous, which on that account have been generally ascribed to the administration of that monarch. It is much more probable that they sprung from the slow

* O Jealousy, daughter of Envy and Love,
Most wayward issue of a gentle sire,
Fostered with fears thy father's joys t'improve.
Daniel's Complaint of Rosamond.

Let joy transport *fair Rosamonda's* shade,
While now, perhaps, with *Dido's* ghost she roves—
* * * * * * * *
Alike they mourn, alike they bless their fate,
Since love, which made 'em wretched, makes 'em great.
Tickell to Addison on the Opera of Rosamond.

† From the dates in the Monasticon of benefactions to the nunnery of Godstowe from the family of Clifford, which speak of Rosamond as having died there, it seems that her death must have preceded the rebellion. — "Huic puellæ spectatissimæ fecerat rex apud Wodestoke mirabilis architecturæ cameram operi Dedalino similem ne forsan a regina *facile* deprehenderetur, sed illa obiit." — *Brompton apud Dec. Script.* 1151.

This writer of the time of Edw. III. has furnished the foundation. But he speaks only of a contrivance against surprise; and clearly intimates that Rosamond died a natural death.

growth of circumstances, with little aid from rulers, who were perhaps scarcely conscious that any change had occurred. In our narrow compass, we can say nothing of laws but what relates to their political purpose or effect.

It is, however, essential to observe, at this step of our progress, that the Roman law never lost its authority in the countries which formed the western empire. It was adopted into the codes of the Germanic conquerors, of which several were more ancient than the reformation, or rather arrangement, made by the authority of Justinian. * As the Germanic laws were personal, rather than local, the Franks and Burgundians, though inhabiting the same territory, lived each under the customs of their respective race. All Europe obeyed a great part of the Roman law, which had been incorporated with their own usages, when these last were first reduced to writing after the conquest. The Roman provincials retained it altogether, as their hereditary rule. The only historical question regards not the obligation of the Roman law, but the period of its being more taught and studied as a science. † It is not likely that such a study could have been entirely omitted in Roman cities, and where there were probably many who claimed the exercise of Roman law. ‡ But the Roman jurisprudence did not become a general branch of study till after the foundation of universities for systematic instruction in that and other parts of knowledge. It appeared at Bologna, in the beginning of the twelfth century, among the fair fruits of the growing wealth and budding intellect of the Italian cities. It soon made its way to England, and was taught

* The edict of Theodoric, A.D. 500; the Burgundian, A. D. 500; the code of Alaric, A.D. 506; legislation of Justinian, A.D. 528—534.

† See a succession of instances from 800 to 1160, where the Roman law is referred to by kings, free states, and councils, as binding. — *Cathcart's Savigny*, i. 116—121.

‡ Aldhelm, bishop of Sherburn, who was born in A. D. 639, studied the Roman law at York. It takes no little time, he tells us: — "Legem Romanorum jura medullitus rimari, et jurisconsultorum secreta imis præcordiis scrutari." *W. Malms. Vita St. Ald. apud* ii. *Wharton, Angl. Sacr.* Alcuin describes the same school at York, in 804. Other examples, Auvergne in the eighth century; at Toul in 1054, and in Italy 1085. — *Savig.* i. 441, &c.

with applause by Vacarius at Oxford about the middle of the same century, as we are told by his pupil John of Salisbury. The late researches of Savigny, and other German jurists, on this subject, have merited the gratitude of Europe. It was indeed a most improbable supposition, that a manuscript found at the sack of Amalfi, not adopted by public authority, should suddenly prevail over all other laws in the greater part of Europe.

In 1177, Henry, in a great council holden at Nottingham, divided England into six circuits (not very unlike the present distribution), each of which was to be visited by three itinerant justices, to bring the dispensation of laws home to every man's door. * This statute, however, like others, appears only to have given authority and universality to practice occasionally adopted before.

In his time an important attempt was made to banish the absurd usage of trying right by the comparative capacity of the parties to bear the ordeals of fire, and to pave the way for the general adoption of juries, by allowing the defendant to support his right, not only by single combat but by the grand assize. †

In the most hasty view of an historical period it seems proper to observe, that John of Salisbury and Peter of Blois, the friends of Becket, were distinguished not only in the learning of their own age, but by an elegance to which it was a stranger. Lanfranc and Anselm, the Italian primates introduced by the Normans, had a considerable place among the founders of the scholastic philosophy. Robert Wace of Jersey, probably the first voluminous poet in the northern dialect of French, was reading clerk in the chapel of Henry I., Henry II., and the young king Henry, son of the latter. He was born in 1120, and died about 1184. He became an important personage in the history of our literature by the composition of metrical romances; that of *Brut* containing the legendary history of the Britons,

* Hoveden, 313. † Glan. lib. ii. c. 7.

and that of Rou or Rollo comprehending the better vouched history of the Normans, from the expedition of Rollo to the defeat of Robert Curthose, by his brother Henry Beauclerc, at *Tinchebray*, in 1106. He does not conceal the character of his writings, in which, says he, "All is not false; all is not true." *

RICHARD I.

1189—1199.

Richard I. was rather a knight-errant than a king. His history is more that of a Crusade than of a Reign. The exploits and disasters, the perils and escapes, of his adventurous life would afford materials for a romance of chivalry. At the opening of his reign a few words may not, therefore, be misplaced on that singular system in which he and his fellow-adventurers to Palestine were schooled.

In the beginning of the twelfth century the only powerful body of laymen in Europe inhabited small fortresses scattered over the country, from which they rushed forth in quest of plunder, and where they returned to shelter themselves and their spoils. Never before were so many dwelling-houses called "little camps." † Access to these dwellings was not easy. Intercourse between them, except for short orgies, was little known. Young women in that unsafe time were almost as much confined by the care of fathers, as in the East by the jealousy of husbands. The young warrior could but rarely steal a glimpse of damsels of his own age and condition. Hence it naturally happened that these ladies were sometimes regarded, at least for a time, with

* Ne tot mançonge, ne tot voir.
Histoire Littéraire de la France, xiii.

† Castella.

a warmth of passion and depth of admiration unknown to happier times. When men were engaged in the constant exercise of national or private war, superiority in valour was the virtue which most commanded esteem and applause. The timid female valued it as highly from awe as the sturdy warrior from fellow-feeling. It was the chief source of personal distinction; and a single failure in it carried with it a forfeiture of honour, a prize too bright to be bought by less than the unsullied prowess of a whole life. The excellent virtue of veracity was held in the same honour, and an offence against it was followed with the like shame; for it was then rather admired as a proof of courage than esteemed as a part of integrity. They despised falsehood, as flowing from the fear of speaking truth. They imposed on women, under pain of ignominy, the inflexible practice of those severe virtues, which they themselves least observed and least understood, partly to quiet their own jealousy, partly, also, because where love was a worship it required a more perfect purity in its objects. Another point of honour grew up at the same period, that of fealty or loyalty, in some degree on the same grounds with that of veracity, which is akin to fidelity; in some measure, also, from habits of obedience in military service, strengthened in process of time by the inheritable character which was attached to office and command.

In so turbulent and insecure a state of society a few of a more generous nature were led, by their temper or their circumstances, to taste the delight of employing valour for the protection of the feeble against the spoiler. Women, or rather young and beautiful damsels, were admired for their attractions, pitied and defended for their weakness. The ministers of religion were protected because they were venerable, and because they were unwarlike. Religion itself, guarded only by unseen powers and remote punishments, claimed from the generous warrior the use of his sword against her human enemies. In time all the weak became objects of

defence. The pupils of the school of chivalry were taught to take up arms against wrong, however they might often be deceived in their judgment as to what constituted it. The grand defect of this system, in its best state, was, that it was confined to a small portion of mankind. In its purest form it never prevailed among the majority of the class who exclusively pretended to it. Even among the few who were its most brilliant ornaments it must not be supposed that it was found in that regular and consistent state which general description is insensibly led to bestow on it. But every modification of a society, in any degree lettered, works out for itself a correspondent literature, which bears the stamp of its character, and exhibits all its peculiarities. The writers who soon supplanted the biographers of saints, and became for their day the delight of Europe, represented in their romances a picture of chivalry, in which the heroes were purified from their defects, and invested with powers to cope with preternatural beings, or to subdue the most tremendous monsters. These imaginary pictures were applied by admiring posterity to the favourite heroes of a past age. Each generation placed perfect chivalry in the time of their fathers. Fiction was confounded with truth; and at length it came to be thought that the roads of Europe were really covered with wandering redressers of wrong in some former age, better and happier than that in which the believers and admirers had the misfortune to live.

Casting from us these fooleries, we may reasonably believe that generous dispositions, disinterested attachments, prompting men to face danger and death for others, adorned by courteous manners, and delicate gallantry, which often made the service of a superior as pure from selfishness as the relief of an inferior, and obtained obedience from a warm heart, instead of buying it from a mercenary dependant, were more prevalent in the middle age, and partly owing to its disorders, than some of them can be, at least under the same form, in that better order of society, which has no such indispensable

need of them, and which, therefore, more rarely affords scope for their exercise and cultivation. It is indubitably true, that the whole system of manners, which distinguishes the modern civilisation from the classical, and from the Oriental, has received a tinge from the usages and sentiments of chivalry, which, though mingled with peculiarities, not warranted by morality, is, on the whole, advantageous to the human race.

Chivalry is composed of the feelings and manners of the feudal system. It naturally happened, that the military tenants of the crown who served on horseback, and composed the main strength of a feudal army, had a plan of training for their youth, and formalities by which they were admitted to serve with their seniors. Hence the outward and mechanical modes of conferring knighthood: hence the fraternities of knights, some independent, most of them founded and patronised by princes, who afterwards arose. Among the smaller circumstances in the exterior of the system of feudality and chivalry were hereditary surnames and armorial bearings; usages to which some tendency may be traced among many nations: but which were most natural and necessary where the vassals of each lord formed a sort of separate people; became more than commonly indispensable where all military commands depended on the distinction and array of communities and tribes, acting together by visible signs and short names, as in the crusades; which were not only the main scene on which the power of chivalry was displayed, but the school where its usages were taught most effectually, and spread through a wider circle. It is one of the most curious facts in literary history, that the writers of the romances of chivalry are almost unknown to us by name, and that these romances themselves, once the sole reading of Europe, have almost wholly perished. Most readers, perhaps, now best know the peculiarities of the chivalrous code from the immortal romance which was written to expose them; but which, as under the form of a satire against one transient folly, it ridicules all injudicious and extravagant attempts to serve

mankind, has survived the remembrance of the particular fooleries lashed by it, and will endure as long as it is beneficial to turn goodness to the choice of wise means, and to the pursuit of attainable ends.

Scarcely had Richard taken up the cross, than his admirers afforded a very notable specimen of the mischievous inequality of chivalrous ethics. Zeal against the enemies of religion, rekindled by every new crusade, burst out on the very day of his coronation with unbridled fury on the branded and proscribed Hebrews. The king had on the day before issued a proclamation forbidding Jews and women to be present at Westminster, lest he might suffer from their magical arts. A few, however, eager to offer to a new ruler the gifts and congratulation of an afflicted people in a strange land, on a day of general grace and joy, according to the immemorial usage of the East, forced their way into the hall with the rest of the people, and were permitted to lay their presents before him with their humble suit for the continuance of that connivance at their residence, and of that precarious exemption from plunder and slaughter which they had obtained from his predecessors, on account of the money which might be wrung from them, of the useful council in finance which they might give to ignorant swordsmen, and of the ornaments and luxuries which they drew from remote lands, through the thousand channels of their subterranean intercourse with their unhappy and industrious brethren. A Christian struck a Jew entering at the gate. The courtiers either catching the contagion of the quarrel, or tempted by the sight of the brilliant presents, or hoping to cancel their debts with the blood of their creditors, fell on all the wealthy Jews, and beating and pillaging them, drove them out of the hall. The example of this violence at court spread over the city. The populace of London, and the multitude who had flocked from the country to see the coronation, easily believing the rumour, that the king had ordered the extermination of the miscreants, attacked and murdered the defenceless Jews, women and

children, the old as well as the robust, with unrelenting rage. The Jewish families who barricaded their houses were generally burnt to death in their flames; wherever walls were too strong, burning wood was thrown in at the doors and windows. The rabble sometimes forced their way into the private apartments, and threw the feeble, the sick, and the dying, into the fires which they had kindled in the streets. The example was followed in many of the principal towns, and the massacre was renewed in two years afterwards. At York the Jews took refuge in the castle, after having seen many of their wives and children butchered before their eyes, and all who refused to be baptized massacred without mercy. The governor, who happened to be absent from the fortress, demanded admission into it; when the unhappy Jews, afraid of the forcible entry of the rabble, excused their disobedience. He inveighed against them with loud transports of rage. He even directed the castle to be attacked. The people seized the fatal word, which the governor vainly attempted to recall. Immense multitudes besieged the castle for several days, stimulated by some ecclesiastics, and especially by one furious monk, who perpetually exhorted the people to destroy the enemies of Christ. On the night before the expected assault a rabbi, lately arrived from the Hebrew schools abroad, addressed his assembled countrymen:—"Men of Israel, God commands us to die for his law, as our glorious forefathers have done in all ages. If we fall into the hands of our enemies they may cruelly torment us. That life which our Creator gave us, let us return to Him willingly and devoutly with our own hands." The majority applauded; a few only dissented. They burnt their costly garments, and destroyed their precious stones and vessels. They set fire to the building, and then Jocen, the most wealthy man among them, cut the throat of his wife. When all the women were sacrificed, he, as the most honourable, first destroyed himself. The rest followed his example. The few who shrunk from their brethren appeared in the morning pale and

trembling to the people, who cruelly put them to death. The bonds of Christian debtors to Jews were taken from safe custody to the cathedral, where they were deposited, and instantly committed in a mass to the flames. It is a consolation to find, that Ralph Glanville, the first English lawyer, was employed by the king to quell this sedition. That he miserably failed may be concluded from the number of three who suffered death for this dreadful butchery, and from the reasons assigned for the selection of these three to be examples. One was executed because he had stolen the goods of a Christian; two others, because the flames which they had lighted in the houses of the Jews had spread to the dwellings of Christians.*

About the end of June, 1190, not many days after the crusade had suffered the irreparable loss of Frederick Barbarossa, on the frontiers of Syria, Philip Augustus and Richard reviewed together, at Vezelai, their magnificent and formidable host. Among the countless multitude of armed pilgrims who were scattered over the surrounding hills and valleys, the French bore red crosses, the English white, the Flemings green. Severe regulations were published against desertion, theft, murder, gambling, dresses unbecoming a religious enterprise, female companions, against trading in or near the camp, against a greater profit than ten by the hundred, and against the sale of bread otherwise than by the penny for equal weights, and directing the English penny † to

* Matt. Paris, 128, 129. Brompt. apud Script. Dec. 1169. Hoveden ap. Saville, Scrip. Ant. 374.

The legal condition of the Jews, at that time, may be estimated by two passages: — "Les meubles aux Juifs sont au baron Stat. St. Louis." — "Judæus nil proprium habere potest. Quicquid acquirit sibi acquiritur regi."—*Bracton.* "Imperialis auctoritas ad perpetuam Judaici sceleris ultionem Judæis perpetuam indixit servitutem." — *Chart. Fred.* II. *A.D.* 1237. *apud Ducange.*

Henry III. sold all the Jews in England for several years to his brother Richard, in 1256. —*Matt. Par.* 600. See Molloy de Jure Marit. b. vii. c. 6.

In 1575, they were, in France, rated to toll with animals. Smaller tolls were paid for a pregnant Jewess or a dead Jew of either sex. Their existence was not recognised by the law, in 1771, except in one or two places, on account of cessions and capitulations. — *Denisart, Collect. de Jurisprud.* art. *Juifs*, tom. iii. ed. 1771.

† It appears that an ounce of silver was coined into sixty silver pennies in the time of Spelman, but into twenty about the time of this crusade. — *Spelman in voce Denarius, Dumont*, i. 112.

be equal in exchange to four of the pence of Anjou. The French reached Messina on the 16th of September; the English six days afterwards. Here the seeds of disunion between Philip and Richard began to spring up visibly, in the midst of friendly festivity. Richard, having been set free from his espousals to a French princess, despatched his aged mother to bring to him the princess Berengaria of Navarre, of whom he had long been enamoured. His time there was occupied in warm disputes with Tancred, who had usurped or assumed the Sicilian crown, at the death of William II., a short time before, and imprisoned Joan of England, that prince's widow. These differences terminated in an agreement that Tancred should pay twenty thousand ounces of gold to Richard, in consideration of which the latter renounced his own and his sister's claims to the island, entered into an alliance with Tancred, and promised that his nephew and heir Arthur should espouse the daughter of that prince.

Richard sailed from Messina on the 10th of April, 1191, after lingering there for more than six months. His fleet, of fifty-five galleys and one hundred and fifty ships, was dispersed by storm. The ship which conveyed his sister Joan, and Berengaria his espoused (his mother had returned from her venturous expedition), was compelled to seek refuge in a port of Cyprus, then governed by Isaac Comnenus, who held it out against the court of Constantinople, by the favour of Saladin, and now received the royal ladies with discourtesy.

Richard, as if roving in quest of adventures, landed his whole army to chastise the apostate chief. Several rulers of Palestine came to Cyprus to entreat the speedy help of the chivalrous king. He took advantage of their presence to solemnise his nuptials with Berengaria, on the 12th of May, with the splendour which the occasion demanded. In spite of all expostulation he remained till the whole island was reduced. He had promised not to fetter Comnenus; but he pretended that he meant to exclude only iron fetters, and put him into silver chains.

In June, 1191, he at last sailed to Tyre, where he found the Christians of Palestine divided between two competitors for the crown of Jerusalem, — Gui de Lusignan and Conrad marquis of Montferrat. In sailing along the coast of Syria to the siege of Acre, he met an enormous vessel, pretending to be French, but in truth Saracen, and intending to throw a considerable reinforcement into the besieged town. An obstinate engagement ensued, in which the strange vessel was sunk, as the English tell us, by their prowess, but according to the Mahometan writers by the unconquerable spirit of her ship's company.

A curious journal of the siege of Acre is preserved by an ancient historian *, probably the work of an eye-witness, and remarkable for the distinctness which belongs to such narratives. Reduced, according to the Mussulman historians, to famine by the maritime blockade, the leaders of the garrison were compelled at length to negotiate for a capitulation. They desired to leave the town with their arms and goods. Richard cried out, "No! after so long and such great exertions we must win something more than an empty town." The Turks proposed "that the garrison were to march out freely, leaving property and weapons behind." Saladin agreed to release 2500 Christian prisoners, and, in two months, to pay 200,000 byzants as the ransom of the Turkish prisoners, and to restore the holy cross. A Christian eye-witness says, that such was the courage and virtue shown by the garrison, that no man could surpass them if their faith had been pure. †

On the 12th of July, 1191, the Christians entered Acre. The two kings divided the town, the prisoners, and other booty between them. Each of them planted the royal standard in his own portion; Leopold duke of Austria made the like attempt. Richard's officers said to Leopold, "Do you, a mere duke, pretend to be on a footing with kings?"—"I fight," he answered, "I

* Hoveden.
† Vinesauf. Ricardi Regis Iter ad Hierosol. lib. iii. c. 18. apud Gale, ii.

make war, by my own power and sovereignty, and, under God, I acknowledge no superior but St. Peter." The duke left the town treasuring up his revenge for a favourable opportunity.

The way was now open to Jerusalem. Philip demanded a moiety of Cyprus in virtue of a treaty which had stipulated the equal division of conquests. Richard observed that the treaty provided only for conquests made from the Turks. It was agreed to confine it to acquisitions in Syria and Palestine. But all these both the competitors for the throne of Jerusalem claimed as justly belonging to that crown. A warm contest for the kingdom arose between Richard, who supported Lusignan, his vassal in Poitou, with the help of the Pisans and Venetians, and Philip, who maintained with equal zeal the claims of his relation Conrad, which were also espoused by the Genoese. Philip was desirous of immediate peace on moderate conditions. Richard took fire at so base a compromise. A secret understanding with Saladin, the heaviest imputation on the chief of a crusade, was laid to Philip's charge. Perhaps he was influenced by views, hitherto almost secret to himself, on the territories of his great vassal. He proclaimed the crusade to be ended, and declared his determination immediately to return to France. "If Philip think," said Richard "that a long residence here will be fatal to him, let him go and cover his kingdom with shame."

Philip, however, quieted Richard, by swearing that he would attack neither Richard's possessions nor those of any other prince who remained in Syria, but rather protect them with all his might. In the beginning of August, 1191, he sailed from Syria, was released from his oath by pope Celestine II. at Rome, and before the end of the year reached his capital city.

Saladin evaded or delayed the first instalments of the ransom. Richard enforced it in a manner even then deemed ferocious. On the 15th of August, the day on which he and his army celebrated the assumption of the blessed Virgin, he commanded two thousand five hun-

dred of the gallant garrison of Acre to be led out into a meadow under the walls of that city, and there, without exception or discrimination, to be put to the sword. "We have, as became us," says Richard in a letter to the abbot of Clairvaux, "put to death two thousand five hundred of them."*—"It was done," says an ancient writer, "with the assent of all."† No danger from the prisoners was alleged as an excuse. With a superstition equally cruel and fierce, the Christians searched the carcasses of the murdered Turks for golden byzants, and converted the gall which was found in their dead bodies into medicines. Never was a siege so fatal as that of Acre. Six archbishops, twelve bishops, forty counts, five hundred men of noble birth, perished before it or in it. Of three hundred thousand pilgrims only six thousand lived to see their home.

On the 24th of August, 1191, the camp was broken up, and Richard had scarce marched a day's journey, when the Turks showed themselves on every side. When the army encamped, the heralds went around crying, "God help the holy sepulchre!" and the body of pilgrims loudly repeated the prayer three times. The march was tremendous. The Mahometans, incensed at the murder of their brethren, planted the ground, where they knew the enemy must encamp, with knives and the like instruments, which wounded the horses and brought the knights to the ground. Marching through the Syrian desert at the season when the sun shoots his fiercest heat, Richard's soldiers were faint with hunger and maddened by thirst. Immediate death by any of these means was the envied lot of only a small number. The cries, the uncouth appearance, and fierce visages of the Bedouins, increased the horror. A few negroes used by Saladin more for state than strength, a race, perhaps, less cruel than any other tribes not softened by reli-

* Sicut decuit, 25,000 fecimus exspirare."—*Hoveden.*

† "De assensu omnium."—Trivet, or says Vinesauf (an English poet who followed Richard), "Decretum est consilio majorum in populo ut obsides decollarentur et ad Christianitatem vindicandam die Veneris proximo post assumptionem beatæ Mariæ." On this writer depends the chronology of the crusade.

gion and law, appalled the ignorant Europeans, as, in the language of the eye-witness, "a ghastly race, fitly called negroes from their extreme blackness." * For two miles round nothing was to be seen but the Turkish army, terribly armed and beautifully arrayed, except where there were interspersed bands of such savage auxiliaries.

The Europeans, thus surrounded, were compelled, on the 7th of September, to fight their way through the enemy with great loss and difficulty, which they called a victory. On one occasion Richard was preserved from death or a prison, on a hawking party, and by the generosity of William de Preaux, who, pointing to himself, called out in Arabic, that he was the malik or king. † These examples of the miseries of a crusade are sufficient. Discord and mutiny always break out among suffering armies under unfortunate commanders. In the repairs of Ascalon, where all were to lend a hand, Leopold duke of Austria sullenly said to Richard, "My father was not a mason, and I was not bred a carpenter." The king is said to have kicked the duke. ‡

In April, 1192, the news of revolt and confusion in England began to remind him of the necessity of returning to his country. He at length yielded to the general desire of bestowing the nominal crown of Jerusalem on the marquis of Montferrat. On returning to his house from a feast given to celebrate his election, that prince found two youths standing at his door; one of them put a letter into his hands and stabbed him mortally with a dagger, crying out, exultingly, — "Thou shalt neither be a marquis nor a king." It is agreed on all hands that these youths were the followers of a sheik, from the dire and devoted fanaticism of whose disciples the name *assassin* has been adopted in most languages of Europe. Rumour appears very early to have charged

* Vinesauf, lib. iv. c. 18.

† Gulielmus de Pratelles, Vines, lib. iv. c. 28. "O prædicanda fides! O rara devotio!" The same magnanimity has passed with little notice in Mr. Mackenzie, a Scotch gentleman, who, in 1746, saved Charles Edward by the same generous stratagem.

‡ "Rex iratus, ut dicitur ducem eum pede *percussit*."—*Brompton, Quinquedec. Script.* 1142.

Richard with being the instigator of this murder.* The suspicion is chiefly countenanced by no other person being mentioned who had any motive to destroy Guy. Yet the fanatics were probably more likely to be impelled to the deed by enthusiastic hatred of a new Christian king, than to be allured to it by the practices or promises of another unbelieving sovereign. The nature of Richard's vices also affords him a defence which it would have been vain to seek in his few virtues. He was too inconsiderate for contriving plots, and too impatient to wait till the whole web was woven. The ostentation of power formed with him so large a portion of vindictive gratification, that he does not seem likely to stoop to secret revenge. A murder to remove a formidable foe he might, perhaps, have endured without showing the strength of his arm; but a murder to chastise an offensive enemy, when the offence was publicly pardoned, has the humiliating confession of an appearance of weakness to which the pleasure of guilt could scarcely have reconciled him. His humanity would have been a feeble security to any offence. But his pride and his indiscretion disqualified, and probably indisposed, him for playing the part of an assassin.

It is very difficult to explain the circumstances of this murder, or to reconcile the testimony of witnesses concerning it. The accusation was early made against Richard by the German chiefs and French writers, whose hostility to him abates the value of their testimony. The most formidable witness against him is Bohaddin, an Arabian historian, who served under Saladin, no stranger to the feuds of the Christian camp: on the other hand, a French and a Syrian writer†, who speak of the accusation only to profess their disbelief of it. Others state the assassins to have long lived in Conrad's house ‡, after receiving baptism, and exhibiting every other outward proof of their conversion to Christianity. It

* Vinesauf, lib. iv. c. 27.

† The continuator of William of Tyre and Abulfarag, a Syrian bishop of good credit in Chron. Syriac

‡ The continuator of William of Tyre, Jac. de Vitry, and Coggleshall.

was suspected at the time, and is now known, that Conrad had a secret correspondence with Saladin, by whose aid he might expect to obtain at least an accession to his territory, before he had any hope of subduing Richard's opposition to his mounting the throne of Jerusalem. Notwithstanding this intercourse, another Arabic writer * tells us that Saladin had bribed the sheik of the assassins to destroy Conrad and Richard, but that the barbarian would do no more than half the work. † As the council at which Conrad was chosen king was holden on the 9th of April, 1192, and he was murdered at Tyre on the 28th of the same month, there was not sufficient time for procuring the assassins after that choice had excited jealousy. On the whole, the account given in the supposed letters of the sheik at Gibbell, produced afterwards on Richard's behalf, at the Congress of Haguenau, is the least objectionable, the most consonant to eastern manners, and, as the most simple, the most unlikely to have been invented, of the accounts which have reached us of this mysterious crime.

In the course of the events which followed, it seems to have been generally acknowledged in the Christian camp that there were no means of laying siege to Jerusalem, and that the presence of the English prince in his own dominions was become indispensable. Negotiations were actively carried on, obstinate battles were fought, in which losses nearly equal necessarily more weakened the invaders than the besieged, whose strength was in the country itself. The superiority of reason, principle, and temper, which distinguished Saladin, was at least as

* Ibn. Alatir.

† We owe a curious acount of the sect, called by the crusaders Assassins, either from *Hassan*, their founder, or from the corruption of an Arabic word *Hachish*, an intoxicating substance, to the learned M. Von Hammer of Vienna. *Alam out*, the capital of the sect during its prosperity, is said to have been situated in the Persian mountains, not far from *Tehraun*. In Syria, where they amounted to 60,000 souls, their capital was *Massiat*, a day's journey westward of Hamah, and from that place they possessed seven other fortresses, which extended to the Mediterranean, near Tripoli of Syria. Some families of them still subsist on Lebanon. The last remains of the inhabitants of Massiat were put to the sword, in 1809, by an adverse tribe in the neighbourhood. See a letter from M. Jourdan to M. Michaud, in Hist. des Croisades Eclaircissé, ii. — *Wilken Geschichte der Creuzug*, iv. 485, &c.

much beyond the common endowments of men, as the prodigies of valour performed by Richard surpassed their ordinary feats. A truce was concluded in the end of September, 1192, for three years, by which the Christians were left in possession of the coast from Acre to Joppa, and the pilgrimage to Jerusalem was secured to them. The first body of pilgrims who availed themselves of this stipulation advanced with such a disregard of all precaution, that Saladin amicably rebuked them for their negligence. The parents and relations of the murdered garrison of Acre, on their knees, implored from Saladin permission to revenge the massacre on the Christians who had fallen into their hands. The wise and magnanimous sultan redoubled his injunctions to protect the pilgrims. The second body, of which Vinesauf the historian was one, experienced the utmost courtesy. The bishop of Salisbury, who led the third, was received with singular honours, and admitted to a free conversation with the Mahometan chief. "What," said Saladin, "do they say among you of your king and of me?"—"My king," answered the bishop, "is owned to surpass all men in unshaken valour, and in liberal gifts. In short, if your unbelief were cured, and your endowments and virtues shared with king Richard, there would not be two such princes in the world." Saladin owned the frankness and courage of Richard, but blamed his fool-hardiness; and concluded by declaring, that "he would rather rival the wise in docility and modesty, than advance his fortune by immodesty and mere audacity."

From the uniform courtesy of Saladin we may be well assured that he did not risk such freedom of animadversion on the king of England, softened as it was by address and by its evident justice, till he had perceived that it would not be offensive to the bishop, to whose prayer for the establishment of priests of the Latin church at the Holy Sepulchre, at Bethlehem, and at Nazareth, hitherto confined to the eastern churches, he assented with equal toleration and urbanity. Richard obtained

the liberty of his deliverer Des Preaux, by an exchange, for twelve Turkish prisoners.*

Richard, who was as well pleased to bestow as to win kingdoms, conferred that of Cyprus on Gui de Lusignan, whose posterity enjoyed it for two centuries. Stern as he was he shed bitter tears at being prevented by illness from visiting Jerusalem with the other pilgrims, and declared his determination to return speedily, that he might perform his vows at the Holy Sepulchre. Had he remained in the East six months longer, he might have absolved himself of his vows more easily and speedily than he hoped; for on the 4th of March, 1193, Saladin expired, in the fifty-seventh year of his age, leaving behind him the just reputation of the most upright and wisest prince who ever filled a Mussulman throne. He had risen to be sovereign of Asia, from the station of a private Curdish soldier, by the general Mahometan title of the sword. "Go," said he to his standard-bearer, as death was fast approaching, "show this flag of the dead to the army, and tell them that the lord of the East could bring nothing but a single garment to the grave."—"Honour the greatest of Beings," said he to his son, "and obey his commandments; for he is the root of good, and in him is all our weal. Spill no blood; for it will one day reach thy head. Preserve the hearts of thy subjects by loving care; for they are entrusted to thee by God. Hate no one; for all are your fellow-mortals. If thou hast offended against God, repent; for he is of great mercy." †

On the 9th of October, 1192 ‡, being the festival

* Vinesauf, lib. vi. c.28—37., where he concludes with perhaps the most interesting portion of his journal. He appears by Selden's account to have been an Englishman of Norman lineage, called *Winsauf* and *Winesauf*, perhaps for his book on vines, said to be extant in the library of Caius College, Cambridge.

"Oh Gaufride, dere maister soverain,
Who when thy worthy king Richard was slain," &c. &c.
CHAUCER, *Nonne's Prestes Tale*, v. 154. 22.

These verses are probably the earliest satire on poetical common-places in our language, and being by so great a poet, against one of our ancient historians, the reference to them here may be thought excusable.

† Fundgurben d'Orient iv. 251. —*Bailin.*

‡ "Octavo Idus Octobris."—*Hoveden*, 408. Die Sancti Dionysii.—*Brompton*, 1230.

of St. Dionysius, Richard finally sailed from the Holy Land, about three years after his departure from England, two years after his arrival at Messina, and sixteen months after his landing in Palestine. His imperfect success left him only the name of a bold adventurer, without the praise of that method, perseverance, and prudence, of which the accomplishment of what is undertaken affords some presumption. As a most unfortunate adventurer he appeared in the singular mishaps of his voyage and journey homewards. He was accompanied by the queens, his wife and sister, and attended by as magnificent a retinue as the surviving knights of England, Normandy, and Aquitaine could supply. His fleet was dispersed by a storm. The royal ladies, and the bulk of the fleet, appear to have reached England in safety; but the ship which conveyed the king having come in sight of land near Marseilles, he resolved not to expose himself to the threatened resentment of the king of France and the count of Toulouse. Why he did not attempt to gain his continental domains through Navarre we cannot probably conjecture. Even if a passage through Navarre was impracticable, it is remarkable that he did not land in Italy, unless we suppose that he apprehended danger from the relations of the marquis of Montferrat. Whatever the reasons were, he made sail for Corfu, with an intention to land on the Dalmatian coast. After escaping capture by the Greeks, also his enemies, and repelling pirates who attacked him, he prevailed on the latter to carry him to Zara, where he landed under the name of Hugh the merchant, and sent a costly ring to the governor, with a prayer for a safe-conduct. "Not Hugh the merchant," said the governor, "but Richard the king sends such a gift. But a prince so generous deserves no interruption. Let him freely take his way." Richard's disquiet was not removed: he pushed on that day to another town, where the governor, a brother of the chief of Zara, had already been apprised of the quality of his guest, and less generous, despatched Roger d'Argenton, a Norman knight, in quest of him.

The Norman, subdued either by presents, by promises, or by compassion, reported that no traces of such a traveller were to be discovered. Whether he pursued his journey by land, or was shipwrecked in a voyage to Venice, is a question on which authorities differ. Here the utmost wariness became needful; for he had mortally offended not only duke Leopold of Austria, but all the German knights who had endured his arrogance in Palestine. Mainhard of Gortz apprehended eight of his companions. He fled to the town of Friesach, in the territory of Saltzburg, to avoid the hostility of Ulrich of Carinthia. Here he met new enemies, and wandered with one William de Stagno and a little boy who spoke German, on horseback, with scarcely any nourishment, for three days and nights, till he was driven by hunger to go in quest of necessaries to Erperg, near Vienna. He sent his servant daily to the city to buy provisions. The boy imprudently attracted attention by expensive purchases, and was obliged to say that his master was a rich merchant, who would come to Vienna as soon as he recovered. The duke of Austria had received information of Richard's arrival from Ulrich of Carinthia, and commanded all strangers to be watched with redoubled care. The boy went to market with the gloves of the king's armour, which were recognised by an Austrian knight who had served at Acre. The boy was put to the torture till he confessed the truth. A band of armed men surrounded the house where Richard was asleep. Overpowered as he was he refused to surrender to any but the duke, who received his sword on the 21st of December, 1192.

The royal prisoner was committed to the castle of Thierstein under the custody of Hadamar of Cunring. The duke said to him at parting, "We are more your deliverers than your enemies. Had you fallen into the hands of the marquis Conrad's friends, who track you every where, if you had a thousand lives you could not save one of them." Henry VI., when he heard of this arrest, said, "No duke must pre-

sume to imprison a king: it belongs to an emperor;" and Leopold was accordingly obliged to surrender his prisoner, with a reservation of his own claims. More show of courtesy was at first affected, but his imprisonment at Trifels was not the less rigorous. The king, sanguine and jovial, plunged into convivial excesses with his guards, and cheered his own solitude as well as amused their festive hours by singing and playing his Provençal songs. He was one day answered from without by a well known voice, that of Blondel his minstrel, who had probably been sent from England to convey information to the king, and to gain intelligence of his situation.* He entered into the service of the commander, and found means to obtain a full account from his master of his situation and wishes. The earnest expostulation of his mother Eleanor stimulated the pope to interfere, and Henry VI., more actuated by rapacity than revenge, called an assembly of princes at Haguenau, where every charge against Richard might be heard and determined by Henry as emperor of the Romans, and supreme ruler of western Christendom. The charges there preferred were, that he had supported Tancred the usurper of Sicily, to the emperor's great cost and damage; that he had unjustly expelled Isaac king of Cyprus, a near relation of the emperor and the duke of Austria; that he had maltreated the German pilgrims, and especially the duke of Austria; and that the murder of Conrad, the unwearied champion of Christendom, more evidently appeared to be his deed, since he accepted presents from Saladin, and needlessly sacrificed Gaza, Nazareth, and Ascalon to that prince. All the other accusations Richard easily answered. That which regarded Conrad he offered to disprove in the manner of his age. "Though an independent king is not bound to meet accusations, yet, for the sake of my honour, I am ready before this illustrious assembly to meet the maintainers of this contempt-

* In Michaud, Hist. des Croisades, ii., may be seen an extract from a French Chronicle of the 13th century on Blondel.

ible lie in single combat." A letter was produced from the sheik of the assassins acquitting Richard, and declaring that Conrad was put to death by the command of the sheik, to punish wrong done to his followers.* In its present form that letter is doubtless spurious; but the unskilful hands of the chroniclers might have disfigured it without encroachment on its substantial truth.

In England this trial of the king was regarded with abhorrence. In Germany and France, the voice of the people, exasperated by the accounts which the pilgrims gave of his insolence, was altogether adverse to him.†

To facilitate accommodation, Henry, after the correspondence through Blondel, permitted Hubert bishop of Salisbury and William bishop of Ely, who was chancellor and a regent, to come to the king at Trifels, where it was agreed, that Richard should meet the emperor at Haguenau, for a final adjustment of differences. Richard wrote from that place on the 17th of April, 1193, to his mother, to collect funds for his ransom; and Henry on the same day wrote a letter to the magnates of England to the same effect.‡ A convention was executed between the emperor and the king, by which it was stipulated, that the imperial ambassadors were to receive a hundred thousand marks of pure silver of Cologne weight; that the king was also to pay fifty thousand marks to the emperor and the duke of Austria, giving sixty hostages to the emperor for thirty thousand marks, and seven hostages to the duke of Austria for twenty thousand marks; on condition, however, that the fifty thousand marks were to be remitted if Richard performed a private promise which he had made about his brother-in-law Henry (the Lion), late duke of Saxony. On these terms Richard was to be set free immediately after Christmas. The conditions were notified to the primate and grandees by letters from both princes at

* Rymer, i. 60.

† Much assistance has been received on the events which occurred in Germany from Raumer Geschichte der Hohenstaufen, ii., — a writer who has been found singularly accurate wherever there has been an opportunity of comparing him with his authorities.

‡ Rymer, i. Cal. Mai. xiii. 1193.

Spires, on the 22d of September.* So sordid and base were the objects aimed at in the most pompous language, and the most solemn proceedings, when a great monarch was brought to trial before the emperor and the most illustrious princes, for having by a foul murder brought dishonour on the Christian name. The purpose of all these high-sounding terms was no more than to extort one hundred thousand marks of silver.

To pay this ransom, the plate of all churches and monasteries was taken; the Cistercians, who had no plate, were forced to give up their wool; "and England," says an ancient annalist, "from sea to sea was reduced to the utmost distress." On the 13th of May, 1194, eighteen months after his departure from Acre, Richard landed on English ground at Sandwich, and considered himself once more a king, when he was soon after crowned a second time at Winchester. The people, distressed as they were, manifested an honest joy at the liberation of their king, and found vent for the pain of their sufferings in invectives against the emperor Henry and duke Leopold.

His brother John, prompted and supported by Philip Augustus, had disturbed England and Normandy by insurrections. Hence Richard found himself in a state of hostility with Philip, sometimes suspended by insincere armistices, sometimes varied by indecisive battles, until the 24th of March, 1199, when Richard was mortally wounded before Chaluz, the obscure castle of a rebellious vassal, in the province of Limousin, after a reign (if it must be so called) of ten years, not one of which was passed in England, the seat of his empire, and the principal source of his wealth and strength.

The actions, perhaps, of no man give a more lively picture of his character than those of Richard. He has been compared to Achilles; but the greatest of poets chose to adorn his savage hero with sorrow for the fate of Patroclus,—a sort of infirmity which cannot be im-

* Rymer, i. 62.

puted to Richard, who had in every respect the heart of the lion.

The insignificant fragments which remain of Richard's Provençal poetry serve only to show, that the Plantagenets were still foreigners, and that the English language had not yet raised its head since the blow struck at it by the Norman invaders.

JOHN.

1199.—1216.

The thirteenth century may probably be considered as a period of as great, though not so visible, a stride of the human understanding in Europe, as many of the brighter and more brilliant ages which issued from it, in which greater multitudes of men reached a more advanced stage in the path to the greatest improvement of society and of reason. At the head of these may be placed the reforms of religious instruction, not only for their own importance, but as then the sole means of rousing and invigorating the human faculties, both intellectual and moral. As the Benedictines, the first reformers of the catholic clergy, had in their turn become rich and lazy, the Dominicans and Franciscans now arose in their stead, and grew with a rapidity perhaps unparalleled either by the order of the Jesuits among catholics or by the followers of Wesley and Whitfield among protestants. They renounced not only separate but corporate property, and threw themselves, for the bare means of subsistence, upon the alms of the pious and benevolent. Excited by the example of the Vaudois, who had become popular by a severely literal adherence to some texts of the Gospel, these mendicant orders embraced the same voluntary and absolute poverty, and gained that general ascendant which is naturally yielded to a life of self-sacrifice. The scholastic philosophy,

that great sharpener and methodiser of intellect, of which the cultivation prepared the soil for all the rich produce of after times, attained the utmost vigour and splendour. The vernacular languages began to be cultivated, and a native literature showed its early blossoms in Sicily, in Tuscany, in Suabia, in the separate countries of southern and northern France, in England, first, as the Anglo-Norman, under Henry II., afterwards the English, under Edward I. The seed was so far scattered that some poetical flowers began feebly to bloom in remote, distracted, and barbarous Scotland. The more active and diffuse study of the Roman law contributed to greater precision in all moral opinions, raised up competitors to the theologians, and was actually denounced, and sometimes suppressed, by the most sagacious of that powerful body, while it brought home to all men of moderate education the wisest system of law then known, which was adopted into the codes of most nations, and influenced the legislation of the communities who rejected its authority.

Religious chivalry, which broke out in the crusades, probably guarded Christendom from the fanatical ambition inculcated by the Mussulman religion. Festive chivalry—consisting of jousts, tilts, and tournaments; scenic representations of chivalrous enterprise; a mimic warfare fitted to amuse a military age—may be considered as the gorgeous vesture of ornament and parade in which the feudal chiefs arrayed themselves, to remind men of their prowess, and to display at once their skill and their magnificence. As the manners of this class began to be softened, they became more naturally the predecessors of the modern gentlemen of Europe. The union of all Europe to form one army, the journeys of vast numbers of men, including a majority of the higher classes, to renowned countries unlike their own, and the necessity which compelled the chiefs to defray the ruinous cost of a crusade by loans, produced effects on the minds and circumstances of Europeans of which the bare mention suggests the nature and extent.

The disputes between popes and temporal sovereigns were drawing towards extinction, when the papal pretensions were carried to their utmost extravagance, in the first years of the thirteenth century, by Innocent III., a pontiff not of so creative and commanding a mind as Gregory VII., but less reserved, and, for the time, more favoured by circumstances. Among the best consequences of these controversies, perhaps the most certain is, that they taught the possibility of maintaining the civil rights of various classes without an unceasing appeal to arms, and with some mixture of an appeal to law and reason. The principles to which popes and kings paid an apparent deference in their fiercest debates were applied to the political privileges of the laity, and contributed mainly to the success of that renowned struggle known in our history by the name of "The Barons' Wars."

To these generous principles it is owing that the reign of John, though he was the most contemptible of princes, is perhaps the most memorable portion of our ancient history.

Though all monarchies, except the German empire, were now becoming hereditary, yet the principle of inheritance was not exclusively avowed, nor were the rules of succession uniformly established. It was still a question, whether the crown devolved on a brother alive, or the son of an elder brother deceased. There were now two competitors for the crown of England,—John, who was the next in blood to the last king, and Arthur duke of Britany, a step more distant from him, but the representative of his father Geoffrey, the elder brother of John. Anjou, Touraine, and Maine, the domains of the Plantagenets, with Poitou, a vast portion of Eleanor's dower, declared for Arthur. Normandy, more connected with England, and the remoter duchy of Guienne, almost foreign to France, acknowledged John, who, by the active aid of his mother Eleanor, possessed himself of Richard's treasure, and compelled Constance with her son Arthur to take refuge at the court of Philip

Augustus. Hubert the primate, and William earl marshal, were in the mean time despatched to England, where they assembled those of the nobility whom they most distrusted, and whom, by promises of good government and by secret gifts, they prevailed upon to take the oath of allegiance to John, in a parliament at Northampton. That prince landed at Shoreham, on the 22d of May, 1199. On the succeeding day he was crowned at Westminster, after a speech from archbishop Hubert, in which he announced to the audience that John was elected king (alluding to the proceedings at Northampton), and laid it down as a known principle, that no one could be entitled by any previous circumstance to succeed to the crown, unless he were chosen to be king by the body of the nation*, according to the examples of Saul and David, who were not even of royal race. John, says Matthew Paris, assented, and the persons present cried out, "Long live the king!" The reign of John is composed of a fruitless struggle against Philip, the most conquering of the Capetian kings; of a vain attempt to brave the last, and, perhaps, fiercest, storm from Rome; and of an attempt, happily as impotent, to quell the rising spirit of the leaders of the people in a contest for their own rights and (it must in justice be said) for the rights of the whole nation. The order of time coincides with that of events in the relation of these contests.

The object of the first of them was to decide the long controversy whether the Capets or the Plantagenets were to be the greatest of French princes. Hitherto mental capacity and physical force had belonged to the latter. The vigorous genius of Philip, and the constant animosities in the house of Plantagenet, now shifted the weights. The ambition of Philip was not fettered by morality nor by decorum. He did not scruple to employ the young duke of Britany entirely as his tool; he knighted Arthur, who was not fifteen years of age; he

* "Ab universitate regni electus."—*Matt. Par.* 165. For the meaning of the word see Ducange in voce *universitas*, the *whole* of the inhabitants of a town; here, therefore, of a kingdom.

gave his daughter Mary to that prince in marriage. An occasion presented of giving him more effectual succour. John, with his accustomed and unbounded indulgence of licentious passion, had divorced his queen, Alice of Gloucester, and had taken to his bed one of the most celebrated beauties of the age, Isabella of Angoulême, who was solemnly betrothed to the count of Marche. That nobleman and the rest of his order were incensed at these first fruits of John's lawless appetites. They took up arms against him. Philip sent Arthur with a military retinue into the dominions to which he laid claim. The barons who guided him laid siege to Mircbeau, a fortified place near Poitiers, held by the unwearied Eleanor *, who, at the age of fourscore, had just returned from a journey into Spain, whence she conducted her grand-daughter, Blanche of Castile, to be wedded to Louis the heir of Philip. When the town was taken by Arthur's troops, the veteran amazon threw herself into a tower which served as a sort of citadel, where she held out till the arrival of John, who, on the night between the 31st of July and the 1st of August, 1202, compelled the besiegers to surrender. Not one knight of the duke of Britany's little army escaped death or a prison. The prisoners, amounting to two hundred knights, with the count de la Marche and the viscounts of Limoges, Thouars, and Lusignan at their head, were laden with irons, tied in open carts drawn by bullocks, and afterwards thrown into various dungeons in Normandy and England. Of the latter, twenty-two noblemen were starved to death at Corfe Castle †, a mode of destruction which, combining the utmost agony with the least intimidation, is worthy of a being of unmingled malignity.

Arthur duke of Britany was brought prisoner to Falaise, where all accounts agree in representing him as confined for some time. The short remainder and tragic conclusion of his life have been variously related. The

* "With him along is come the mother-queen,
An Até stirring him to blood and strife!" — *Shakspeare.*

† "Viginti duos nobiles fame *interfecit* apud castellum de Corffe." — *Annales de Margan, Quinque Script.* 13.

variety, however, is such that it may exist without contradiction. The scenes described by different writers may have all occurred at different stages in the long agitation which ended in the foulest of deeds. "John," says Matthew Paris, "went to his nephew at Falaise, and kindly besought him to trust his uncle. Arthur, foolishly betraying his indignation, cried out, 'Restore to me my kingdom of England!' He was immediately sent to a close prison at Rouen. Not long after, he suddenly disappeared—I trust, not in the way that malignant rumour alleges. It was suspected by all that John murdered his nephew with his own hand, and he became the object of the blackest hatred* of mankind." The monks of Margan tell us, in their brief yearly notes, "that John being at Rouen, in the week before Easter, 1203, after he had finished his dinner, instigated by drunkenness and malignant fiends, literally imbrued his hands in the blood of his defenceless nephew, and caused his body to be thrown into the Seine, with heavy stones fastened to his feet; that the body was notwithstanding cast on shore, and buried at the abbey of Bec, secretly, for fear of the tyrant."† Ralph, abbot of Coggeshall, the most nearly contemporary of the chroniclers, tells the pitiable tale more minutely. "Some of John's counsellors," according to him, "suggested to the king the necessity of unfitting Arthur for rule by blinding him, and depriving him of the hope of posterity by horrible mutilations. The wretches who were sent to Falaise to execute this command were disarmed by the tears and cries of the poor boy. Hubert de Burgh, his warden, took upon him to suspend the cruelties till the king was further consulted. This appeal produced only his removal to Rouen."‡ On the 3d of April,

* Matt. Par. 174, 175. "*nigerrimo odio.*"

† Ann. de Margan, 13. "*propter metum tyranni.*"

‡ Bouquet, Historiens de France, xviii. 96. The abbot of Coggeshall wrote a chronicle of the crusade on which he attended Richard. A chronicle of England from 1066 to 1200, and an account of the commotions in the reign of John, first given to the world in 1719, by the fathers Martenne and Durand, in the fifth volume of their collection, are not known to have been hitherto separately published, though they are among the original materials of English history.

at midnight, Arthur was suddenly awakened, and ordered to come out of the tower. At the door, he found his merciless uncle, with Walter de Mauluc, his equerry, in a boat, where he went to them. The hour of the night, perhaps former scenes of horror, above all, the threatening countenance of John, filled the unhappy youth with sorrow and terror. He threw himself on his knees, and with a flood of tears implored his uncle to spare his life. But John had gone too far to retreat. Some say that Mauluc, when ordered by John to murder the boy, shrunk from the deed, and that John seized his nephew by the hair, stabbed him with his own hands, and threw his body into the Seine. The narrative of Hemingford and of Knighton, which describes Mauluc as the executioner, is confirmed by the circumstance, which they mention, and which is otherwise established, of John having bestowed on Mauluc the heiress* of Mulgref in marriage, as the assassin's fee. † In the essential parts of the crime all writers agree. The small number of English writers who do not speak of the murder are equally silent respecting the notorious fact of the disappearance of Arthur, which they could have no reason for being afraid to relate but their conviction of the guilt of John. In all who have dared to speak, we can evidently perceive a sort of rivalship in expressing the horror felt by their contemporaries, which more than outweighs in the scales of evidence any mistakes or exaggerations into which these honest feelings may have betrayed them.

By this murder John lost one third of his dominions at a blow. Philip Augustus summoned John, as duke of Normandy and Aquitaine, to answer before the court of peers, to a charge of having murdered,

* Dugdale, Baronage, i. 733. "John employed Peter de Mauley, a Poitevin, an esquire, to murder Arthur, and in reward for that execrable fact gave him to wife Isabel de Turnham, heiress of the barony of Mulgref." His family were lords of parliament for about two hundred and forty years.

† "Puerum occidit per manum armigeri Petri de Malo Laco cui dedit hæredem baroniæ de Mulgref in uxorem loco mercedis iniquæ."—*Hemingford.* See all the Breton and French writers, and Daru, Hist. de la Bretagne, i. 414.

within the jurisdiction of the realm of France, Arthur duke of Britany, an arrière vassal of the French crown, with the aggravations that the murdered duke was his own nephew, his vassal whom he was feudally bound to protect, and the son-in-law of Philip the lord paramount, to whom he owed honour as well as fealty. He demanded a safe conduct; but to what purpose should there be a trial for murder, if it were preceded by a promise of impunity? * He did not appear. He was pronounced to be contumacious, and to have forfeited all the vast provinces which he held from the crown of France. All but Guienne were actually annexed to the crown. He was condemned to death, and adjudged to have forfeited all the territories holden of the king of France, by his felony † against his liege lord. Had this murder been committed on a private man, the court of peers might not have had jurisdiction. But the murder of the duke of Britany by his immediate superior ‡ the duke of Normandy was felony against the lord paramount, from whom the power intrusted to John over his vassal prince must, on feudal principles, be considered as flowing. Philip justly observed, that he did not lose his seignorial rights over the duke of Normandy by that prince becoming king of England. It does not appear that the proceeding, however unusual, or how much soever influenced by ambition, was a departure from feudal law. The three counties of Touraine, Maine, and Anjou, were annexed to the crown in 1203, the duchy of Normandy in 1205, and the county of Poitou in 1206 §; a delay in part attributable to the prudence of not condemning these

* This answer seems to have been substantially given when John asked a safe conduct. "Yes," said Philip, "let him come in peace." — "But," say John's ambassadors, "a safe conduct to return." — "Be it so, if the judgment of his peers allow it." "Ita sit, si judicium parium suorum hoc permittat." — *Matt. Par.* 238.

† "Felonia est delictum vassalli in dominum quo feudum amittitur." Du Cange in voce.

‡ Peignot, Précis Chron. de l'Hist. de France, 43, 44.

§ The reciprocal duties of the feudal relation appear in these very transactions. When John summoned Arthur to do him homage, he adds, "And we shall willingly do to you all that we ought to do to our dear nephew and liege vassal." 27th March, 1202. — *Rym.* i. 86.

rich spoils till they were mastered, but indicative of temper and consideration in the conduct of so weighty an affair.

Eleanor, the daughter of Geoffrey Plantagenet by Constance of Britany, a princess distinguished by her beauty, became the heiress of that duchy after the murder of her brother.* But her unnatural uncle had carried her prisoner to England, where she was for forty years † immured in a monastery at Bristol, conformably to the barbarity of an age which bore no rival near the throne. The ducal crown of Britany devolved on Alix, the daughter of Constance by her third husband. She, by the attainder of John, became an immediate vassal of Philip, who gave her hand to Peter de Dreux, descended from a younger son of Louis le Gros; a prince of the blood, whose rights, in consequence of the principle arbitrarily adopted in after times, by which St. Louis was made the stock of the house, were neither recognised by law nor capable of being historically disputed. In the same ambiguous condition were left the descendants of another son of the same monarch, who married the heiress of the house of Courtenay, of whom a branch had settled more anciently in England. The duchy of Britany continued to be a scene of intrigue and conflict between France and England, and to be frequently disturbed by the commotions of both countries, till the close of the fifteenth century, when, by the marriage of Louis XII. to Anne duchess of Britany, that great province was finally merged in the crown of France.

The Plantagenet dominions, as far as Rochelle, were subdued with so little difficulty, that we may hope for the consolation of ascribing the conquest to the abhorrence of the murder of Arthur. The attempts of John to recover these fair and ample domains were alike pusillanimous and imbecile. No criminal ever less covered his crime by courage or capacity. We are unacquainted with the circumstances which preserved the

* She was called 'La Bret' by an abbreviation of *La Bretonne*; a designation which seemed to assert her right.

† She died in 1241.

connection of the duchy of Guienne with England. A truce * was concluded between the two kings for two years at Thouars, on the 26th of October, 1206, by which all the provinces northward of the Loire were in effect ceded to France.

Thus branded by cowardly murder, foiled in arms, outwitted in policy at the moment when he had ratified the sentence of infamy pronounced against him by acquiescence in the seizure of a third of his dominions for his outrageous barbarity, John, who as much surpassed most other men in rashness as he fell short of them in firmness, dared to brave the thunders of the Vatican, then wielded by a pontiff who had dragged the crowns of France and Germany at the wheels of his triumphant car. The jurisdiction over matrimonial causes granted to bishops by christian emperors was a very natural consequence of the religious rites with which marriage was solemnized, and of the character of a sacrament, or eminently sacred rite, attributed to that important union. But after the universal acknowledgment of papal supremacy, it became a power most formidable to princes, by which sovereign pontiffs were enabled to invade their domestic peace, and to render their succession disputable. Innocent III. had enlarged the prohibition of marriage between relations to the seventh degree. His weapons against kings were so much sharpened by this extension, that it is hard to acquit so ambitious a pontiff of a sinister purpose in a regulation otherwise so unreasonable. With so wide a prohibition, it was not always easy to be aware of the consanguinity; and as it was doubtful where the line of frontier ended between impediments with which the church might dispense and those which were beyond her power, the legitimacy of all children whose inheritance was important became still more dependant on a rival and often hostile jurisdiction. Philip Augustus had, by a false pretext of consanguinity, obtained a release, by a French synod, from the bands of wedlock with his second wife, a

* Rymer, i. 95.

Danish princess, against whom he had felt a repugnance. In spite of the appeal of the pope, he wedded another lady, Agnes, the daughter of a Tyrolese lord. In the year 1200, Innocent, for this marriage, laid France under an interdict. Philip, powerful and bold as he was, felt the necessity of yielding. Agnes, whom he sent to a castle where he intended to continue his visits, fell a victim immediately to honour or affection. The Danish princess was restored to her royal dignity, and to her husband's hatred. Innocent, who asserted his authority in an instance where its exercise might be vindicated by specious and even solid reason, was the only gainer.

He excommunicated, in succession, two sovereigns of Germany, Philip of Hohenstaufen, king of the Romans, in 1199, and Otho of Brunswick, the son of Henry the Lion by Matilda Plantagenet, in 1211. The latter prince was the nephew of Richard and of John, and he had been made duke of Aquitaine and earl of Poitou and York by his uncle, and was the natural leader of the Guelph or originally papal party; but his zeal for the independence of the Germanic crown prevailed over the point of honour of adhering to a party of which the original principles were nearly superannuated, and little more than the name remained. The Roman pontiff had, on all these occasions, the great advantage of being able to select the most specious cases as opportunities of aggrandizement. The men of experience and sagacity who directed the court of Rome were seldom obliged to wait long for such misconduct of temporal princes as would entirely justify pontifical severities, if it were possible to forget the motives for their infliction, and the consequences of their success.

A dispute had for some time subsisted, whether the archbishop of Canterbury was to be chosen by the monks of St. Augustin's abbey in that city, or by the suffragan bishops of the province. Under this form the important question was hidden, whether the nomination was to be in the king or the pope; for the bishops were very ac-

cessible to the influence of the crown, and the monks, according to the genius of their order, were devoted to Rome. John resolved to raise the bishop of Norwich to the primacy; and, when he allowed the monks to make a journey to Rome, had obliged them to swear that they would recognise none but that prelate as archbishop. When the news of Hubert's death reached Rome, Innocent absolved them from an oath which he held it criminal to exact, and commanded them, under pain of the heaviest censures, to proceed to an immediate election. They chose Stephen Langton, who in the sequel proved himself worthy of the highest stations. John, incensed at this proceeding, took possession of the monastery at Canterbury, seized on its estates, and banished the remaining monks. He angrily reproached the pope for presumption and ingratitude; declared that he would sacrifice his life for the rights of his kingdom; and announced his determination, if the wrong were not immediately repaired, to break off all intercourse with Rome. Innocent was not slow in maintaining his authority. He laid all John's dominions under an interdict, which, in spite of John's menaces, was published at London on the 23d of March (1208), by the bishops of London, Ely, and Worcester. From that moment all churches were shut, and all the rites of religion were forbidden, with the exception of the baptism of infants, and of the confession, absolution, and unction of the dying. To prohibit a great nation to perform any office of religion, or to enter into the most important relations of life, was not, however, accounted the last extremity of papal displeasure. After inflexibly maintaining the interdict for two years, Innocent proceeded to excommunicate, and, by consequence, to depose, the king. As the excommunication reached all who had any intercourse with him, it amounted to the annihilation of government, law, and property, the impunity of crimes, and the destruction of all contracts and dealings. Jeffrey archdeacon of Norwich, one of the barons of the exchequer, declared on the

bench that, as the king was excommunicated, it was no longer lawful to act in his name.

The laity, however, disregarded these fulminations; which so little lessened John's strength, that the only successful expeditions of his reign, those against Ireland and Wales, occurred during the period of his proscription by the Roman see.

Moved by this firmness, Innocent sent two legates, Pandolph and Durand, into England. They were admitted to an audience of the king at a parliament holden at Northampton; and they dared to declare to him in full parliament, that he was bound to obey the holy see as much in temporal affairs as in the concerns of religion. John refused so monstrous a submission. The daring legate pronounced sentence of excommunication against him with a loud voice, released his people from their oaths of allegiance, degraded him from his regal dignity, and declared himself and his posterity to be for ever excluded from the throne. On this occasion, a circumstance is related * of John which almost surpasses belief. Desirous of intimidating Pandolph, he ordered a number of prisoners to be brought before him, to whom quarters must have been given, and who probably were either Irishmen or Welshmen, who had fought for their country under their native princes. The king commanded one part of them to be hanged, another part to be blinded, and a third to have their feet chopped off. All these operations were performed in the presence of Pandolph. He remained unmoved. But when it was ordered that a priest charged with forgery should be hanged, the legate's wrath was suddenly roused. He instantly rushed out of the apartment in quest of a candle in order to perform his excommunications, and was appeased only by the surrender of the priest into his hands. On the return of the legates, in the next year, Innocent solemnly ratified all their proceedings against John. In a short time afterwards, the pope committed the execution of his final and irrevocable sentence to

* Ann. Waverlienses, ad. ann. 1212, apud *Quinque Scriptores*, 175.

Philip king of France, whom he assured of the pardon of his sins if he executed this pious purpose, and promised to grant the kingdom of England when it was delivered by his hands from an impure and unnatural oppressor of the church. On the 21st of April, 1213, Philip commanded a great army to assemble at Rouen, whence they were to march to Boulogne, where an armament of seventeen hundred vessels was prepared to convey and guard them. John collected a large army at Dover. He had every outward means of defence. But he was known to be without spirit and manliness. Pandolph despatched a knight templar from the French coast to practise on his fears. These men, who visited all the western and some eastern courts, were not without diplomatic address and insinuation. The legate, who followed them privately, filled John with dismay, by magnifying the French force, and truly representing the general and very just disaffection of the English barons. The trembling king implored the protection of Rome, whatever submission it might cost. The legate assured him that the supreme pontiff would require nothing which was not absolutely necessary either to the honour of the church or to the safety of the king himself. He proposed to withdraw the excommunication immediately, on condition of John's promising to receive Langton, with all the bishops and clergy who acknowledged him, and to repair the damage which they had suffered; and he agreed to take off the interdict as soon as the promise should be fulfilled. The consummation of ignominy was yet to come. Under the specious pretence of securing England from attacks by Philip, it was suggested to the king to surrender his kingdoms to the pope as to a lord paramount; to swear fealty to him; to receive the British islands back as fiefs of the holy see; and to pay an annual tribute for them of 700 marks of silver for England, and 300 for Ireland. On the 15th day of May, John duly performed all the degrading ceremonials of resignation, homage, and fealty. On his knees he *humbly* offered his kingdoms to the pope, and put them

into the hands of the legate, which Pandolph retained for five days. He offered his tribute, which the legate threw from him, but afterwards stooped to gather. The nuncio immediately went to France, to announce to Philip that he must no longer molest a prince who was a penitent son and a faithful vassal of the holy see, nor presume to molest a kingdom which was now part of the patrimony of St. Peter.

The king of France, yielding to the threats of the nuncio, desisted from his proposed invasion of England. John had now formed alliances on the continent, which he owed to the general fear which the progress of Philip's power excited. Otho, emperor of Germany, his nephew, entered into the league with the earls of Flanders, Boulogne, Auvergne, and Toulouse.

An English fleet of five hundred vessels, sent to the succour of the earl of Flanders, obtained a signal victory over the French ships which conveyed the stores of Philip, and seconded his army as it advanced along the coast. The soldiers who defended these vessels had gone ashore to plunder. The mariners who rowed and steered them were surprised by the English, who made prize of three hundred vessels, and burnt one hundred, with the whole ammunition and provision of the French army. These battles between soldiers embarked on boats which were navigated by seamen or fishermen were not what are called in modern language maritime engagements. This action, however, obliged Philip to abandon his attack, and may be thought curious, as the first conflict on the sea between the two nations.

The issue of the next campaign on the continent was very different. John landed at Rochelle to carry the war into his former dominions of Poitou, where he boasted of some advantages. But they were reduced to insignificance by the event of the invasion on the side of Flanders, where the emperor Otho, with an army of 150,000 Germans, English, and Flemings, was completely routed on the 23d of July by Philip, at the head of an army of not half the number: one of the most signal victories

of the middle age, and memorable for the importance then first ascribed to the trained bands of towns, and to the foot soldiers who were not noble; whose importance showed that the people were about to emerge.

In this year Innocent III. called together at Rome the assembly which became memorable under the name of the Fourth Council of Lateran, which, composed of four hundred bishops and eight hundred abbots and priors, might be justly considered as a full representation of the western church. Here the ambitious pontiff triumphantly exercised the fulness of his assumed authority. The council was principally directed against the Albigeois, who prevailed over the orthodox in the country from the Loire to the Ebro, and numbered the king of Arragon and several independent princes among their leaders. By the decrees of this council all persons convicted of heresy were to be delivered for capital punishment to the temporal rulers, who were required, under pain of excommunication, to make oath that they would exterminate such heretics; and it was farther enacted that if they did not take the oath within a year, their contumacy should be reported to the sovereign pontiff, that he might declare these vassals absolved from their oaths of homage and fealty, and bestow their land on the catholics who concur in the extermination of the heretics. The same provisions were extended expressly to those who had no superior lords*; an extension applied to sovereign princes by the most zealous adherents and the bitterest opponents of papal power, but understood by the least papistical of catholics in the equitable though perhaps strained sense of being intended only for allodial possessors. The latter class seem too inconsiderable to have been the object of such a provision; yet it is, on the other hand, repugnant to all rules of construction, whether founded in reason or in law, to comprehend sovereigns under a vague description, in a decree where their inferiors only are expressly named.

The most probable solution of the difficulty is, that

* Dupin, Biblioth. ix. 153.

the description was made designedly ambiguous, in order that it might be stretched to kings, or drawn back to allodial tenants as fortune varied, and with the hope that it might at the moment be overlooked till the favourable crisis should arrive. The best defence of the independent catholics, however, is, that these decrees, relating to immediate measures of supposed policy, though they were acts of gross usurpation against the civil magistrates, yet, as they affirmed no general principle of faith or morals (whatever they might imply), did not possess that essential form without which they were not vested with the awful character of being for ever binding on the church. Though the acts and intentions of Innocent and his council must be sacrificed by this vindication, it appears to be a valid defence of the liberty of the Roman catholic church. Innocent was the last of the Hildebrandic pontiffs. His successors, indeed, till the end of the century, followed his example in acts of usurpation, in some of their circumstances still more flagrant than his. But the genius and spirit of the Gregories and the Innocents departed from the Vatican. The qualities necessary to uphold such pretensions are very rare. In the pontificate of Innocent, and at the Council of Lateran, the popedom had reached its zenith. After that time the frontiers of papal power were not extended. In the decrees of that usurping assembly, the spirit of Gregory VII. blazed forth with a violence at which he might have himself wondered.

The whole thirteenth century continued however to be a flourishing period of papal power, which was eminently signalised by the defeat of Frederic II. and the destruction of the house of Hohenstaufen. The removal of the popedom to Avignon, their consequent dependance on the kings of France, and the great schism which for many years divided Europe between rival popes, rendered the decay of the pontifical authority conspicuous. The Council of Constance, which resembled the English parliament of 1641 in blows against monarchical usurpations, and in severity against further innovation,

attempted by the parliament, and successfully executed by the council, did indeed heal the wounds of the church, by closing the schism; but did not effect their purpose without decreeing the superiority of general councils over the supreme pontiffs, and without asserting their authority by requiring all the pretenders to the popedom to resign, and by deposing those who refused to obey.

John was the last and most ignoble opponent over whom Innocent triumphed. Early in his reign he became unpopular; and we soon discover the discontent of the nobility in their reluctance to follow him in those expeditions or inroads which were their chief delight. This rising spirit cannot be ascribed to the contagion of popular government, to which little inclination seemed yet to be shown any where but in Italy. The king owed part of the general dislike to the unnatural murder of his nephew. The cowardice which characterised that act, if not its cruelty and treachery, could hardly fail to be odious to a nobility not wanting in esteem at least for the single virtue of valour. His insolent treatment of their own wives and daughters (for it does not appear that he descended to plebeian amours) touched their honour in a susceptible point. By the tenour of the charter extorted from him, it evidently appears that he abused the facilities of oppression which belonged to his paramount seignory; though the monastic historians were, perhaps, too little acquainted with the forms of law and the course of business to particularise these acts of grinding tyranny. Though he was hated for his crimes, it is still more certain that he must have been despised for their unfruitfulness. "All that I have lost," he said, in 1206, "I shall recover in a day." Yet he never recovered a rood of land. Boasts so loud are ill followed by failures at once fatal and total. Great governments cannot forfeit the respect of foreign states without being lowered in the eye of their own subjects. The chain which in this respect connects the foreign policy with the domestic authority of a government may

sometimes not be obvious, but it is generally discoverable. When John subjected himself to the pope, to protect him against France, he incurred that disgust and alienation of his subjects, which rarely fails to attend those princes who throw themselves on foreigners for safety. Discontent had gradually grown into disaffection. During the last ignominious scenes, disaffection was rapidly ripened into revolt.

Stephen Langton, though raised to the primacy under circumstances which might have thrown doubts over his fealty to his country, exercised his great power as became an Englishman. When the king was absolved at Winchester, Langton, probably suspecting collusion between the civil and spiritual tyrants, administered an oath to the king, by which that monarch bound himself to abolish unjust laws, and to restore the good laws of Edward. In a great council holden at St. Alban's, on the 4th of August following, the king commanded that the laws of Henry I. should be observed; a form more grateful to a Plantagenet than one which involved a reference to a Saxon prince. The provisions of the charter of Henry I., or rather the inferences which might be made from it, were probably as little understood by the king as by the barons. On the 25th day of August, at a meeting of prelates and peers at St. Paul's, Langton apprised them (not of the existence of that charter* but) of the extensive application of the principles and express words of Henry's charter to their present grievances. It was no wonder that they should rejoice at finding means of redress in an appeal to those very concessions of a Norman sovereign which the king had just issued orders to observe. Langton became henceforward the guide of the confederated barons. Fuel was added to the flame by the attempt of John on the beautiful wife of Eustace de Vescy, a distinguished

* The language of Matthew Paris or Roger Wendover seems, indeed, to countenance the remarks of Blackstone (*Law Tracts*, 288). But he concludes with admitting, that the discovery and annunciation of Henry's charter have probably some foundation, which seems to be furnished by the narrative of the text.

baron.* When John, with his accustomed insolence, boasted of his success over a woman celebrated for her faithful attachment as well as her charms, De Vescy could not refrain from saying, that she had substituted in her stead a loose and low female, disguised in the apparel of the high-born dame. John threatened him with death for this bold stratagem. De Vescy, with other sufferers from the like outrages, flocked to the councils of the confederates. An assembly of that body met on the 20th of November (St. Edmund's day) at the abbey of St. Edmundsbury, where they solemnly swore upon the high altar to withdraw themselves from the king's fealty, and to wage war against him till he should confirm by a charter the liberties which they demanded. In pursuance of their confederacy, they proceeded to present their petition to the king, and entered London for that purpose on the Feast of Epiphany, with all the array and parade of war.† Having come into his presence, they required of him that he should restore the old laws, abolish the new oppressions, and fulfil all that he had lately and solemnly sworn at Winchester to perform. The king, contrary to his nature, but perceiving that the warlike petitioners were ready to constrain him by force, if by no gentler means they could prevail, thought it safer to turn their minds from immediate violence by gaining time, which they granted till Easter. Both parties had applied to the pope, who openly and heartily espoused the cause of his vassal, and exhorted the barons in a circular letter (of which the copy addressed to Eustace de Vescy is still extant ‡) to lay aside conspiracies against their liege lord, now the dear son of his holiness. Both parties, also, distrusting negotiation, made such preparations for war as they could. In these preparations, however, the barons had an immeasurable superiority. In Easter-week they brought together a large and well-appointed force of

* Hemingford, lib. ii. cap. civ. Coggeshall In Hemingford, the whole of this curious anecdote is minutely related.

† "In lascivo satis apparatu militari."—*Matt. Paris.*

‡ Rymer, i. 126. Nov. 1214. "Charissimi filii nostri Joannis," &c.

their followers at Stamford, composed of two thousand knights, with every other sort of force in just proportion, and on Monday the 27th of April marched to Brackley; while John, restless and friendless, had stopped for short repose at Oxford, from which the baronial army was distant only fifteen miles. He sent the archbishop and the earl of Pembroke, who had not ceased to attend him, to learn their demands. They sent in writing the articles afterwards presented to him for his assent. They announced to him, also, that, unless these rights and liberties were immediately granted under his seal, they should proceed, by the capture of the king's castles, lands, and possessions, to compel him to do justice in the premises. The archbishop brought these threatening conditions to the king; and though he was the bearer of written propositions, he repeated the articles gravely and aloud, from his thorough remembrance of what he probably composed. The king, with a scornful sneer *, exclaimed, "And why do *they* not also demand my kingdom!" He then furiously swore † "that he should never grant liberties which would make himself a slave." On learning this refusal from the illustrious mediators, it was unanimously determined to appoint Robert Fitzwalter to be their general. Repelled from Northampton, they were received favourably by Beauchamp at Bedford, where deputies came to announce to them the important accession of the city of London to the league, and secretly intimated to them that if they wished to possess the capital, they should speedily appear before the gates. They accordingly advanced by hasty marches, and took possession of London on Monday the 22d of May. In the midst of these hostile measures, advice was received that, in spite of the remonstrances of Eustace de Vesey, the ambassador of the confederates, it had pleased the pope to issue a bull in favour of his vassal. In England, these tidings were received only with indignation.

* "Cum indignatione maximâ subsannans."—*Matt. Par.* 213
† "Affirmavit cum juramento furibundus."—*Id. ibid.*

The barons despatched summonses to all the peers, who, however lukewarmly or only apparently, still adhered to their king, requiring them, under pain of being treated as public enemies, to leave a perjured king to his fate, and join those who had taken up arms to secure the liberties of the people, and establish the quiet of the kingdom. The far greater part obeyed the summons of the deliverers of their country, and repaired to the confederates assembled at London. John retired to Odiham, where his humble court was now reduced to seven attendants, of whom some are known to have been in their hearts in the barons' camp.

The king now looked round his unquiet retirement with dismay. Appalled by the general secession, he at the same moment contracted a vindictive hatred against the barons, and discovered the necessity of hiding his revengeful purposes under the mask of conciliation.* At the moment when his negotiations with them were apparently advancing, he secretly laboured, by application to Rome, to stir up the most formidable of enemies against them.† "It is needless," say the ancient writers, "to enumerate the barons who composed 'the army of God and of Holy Church:' they were the whole nobility of England;"—a phrase nearly equivalent to what in modern language would be called the nobility and gentry. Their followers comprehended all the yeomanry and free peasantry, while the accession of the capital was a pledge of the adherence of the citizens and burgesses. A safe-conduct was granted by John at Merton on the 6th of June to the deputies of the barons, who were to meet him at Staines; and two days afterwards, he, being at Windsor, agreed to a prolongation of the truce to Trinity Monday.‡ On that day, the 15th of June, both parties advanced to a plain called Runnymede, on the banks of the Thames, where

* "Cepit adversus barones corde odium inexorabile. Simulavit autem in dolo pacem ad tempus facere ut cum fortior surrexerit in dissipata agmina acrius se vindicaret."—*Matt. Par.* 213.

† Rym. i. 129. Lit. Reg. ad Pap. Odiham, 28th May, 1215.

‡ Rym. i. 129.

they encamped apart from each other, like declared enemies, and opened conferences which were not concluded till Friday the 19th of June, 1215. The preliminaries being agreed upon, the barons presented heads of their grievances, and of the means of redress *, in the nature of the bills now offered by both houses for the royal assent, except that the king, instead of a simple assent, directed, according to a custom which prevailed long after, that the articles should be reduced to the form of a charter; in which state he issued it as a regal grant, with all the formalities and solemnities which in that age attended the promulgation of fundamental laws. Copies were forthwith despatched to the counties and dioceses of the kingdom.

Measures still more decisive were adopted to curb a faithless king, who had surpassed even his own forefathers in falsehood. John was compelled to surrender the city and tower of London, to be kept by the barons till the 15th of August, or until he had completely executed the charter. A still more rigorous provision for security, involving in it a most solemn declaration of the lawfulness of resistance to oppression, was required by the barons, and yielded by the king, which empowered them to name twenty-five of their number to be guardians of the liberties of the kingdom, with power to these extraordinary magistrates, if they saw any breach of the charter, and if redress was denied or withheld, to make war on the king, to seize his castles and lands, and to distress and annoy him in every possible way, till justice was done; "saving only the person of the said lord the king, the person of the queen, and the persons of the royal progeny."

Many parts of the Great Charter were pointed against the abuses of the power of the king as lord paramount, and have lost their importance since the downfall of the system of feuds, which it was their purpose to mitigate. But it contains a few maxims of just government, applicable to all places and times, of which it is hardly pos-

* Articuli Magnæ Chartæ. — *Rymer*, i. 129.

sible to over-rate the importance of the first promulgation by the supreme authority of a powerful and renowned nation. Some clauses, though limited in words by feudal relations, yet covered general principles of equity which were not slowly unfolded by the example of the charter, and by their obvious application to the safety and well-being of the whole community.

Aids, or assistance in money, were due from any vassal for the ransom of the lord, for the knighting of his eldest son, and for the marriage of his eldest daughter; but they were often extorted when no such reasons could be urged. Escuage or scutage was a pecuniary compensation for military service; but as the approach of war was an easy pretext, it was liable to become almost arbitrary. Taillage, an impost assessed on cities and towns, and on freemen who owed no military service, according to an estimate of their income, was in its nature very arbitrary. In this case, however, the barons showed no indifference to the lot of the inferior classes; for in their articles they require a parliamentary consent to the taillages of London and all other towns, as much as to the aids and scutages which fell upon themselves.* By the charter itself, however, taillage was omitted; the liberties of London and other towns were generally asserted. But it contained the memorable provision—"No scutage or aid shall be raised in our kingdom (except in the above three cases) but by the general council of the kingdom †;"—a concession which, though from motives unknown to us, was not so extensive as the demand, yet applied to bodies so numerous and considerable as sufficiently to declare a principle, which could not long continue barren, that the consent of the community is essential to just taxation; which in the first instance guarded against arbitrary exaction, and in due time showed the means of peaceably subjecting the regal power to parliamentary and national opinion. By the charter, as confirmed in the

* "Simili modo fiat de taillagiis de civitate London, et de aliis civitatibus."—*Art. Cartæ Regis Johannis*, § 32.

† Mag. Chart. § 12.

first year of the next reign, even scutages and aids were reserved for further consideration as grave and doubtful matters. But the formidable principle had gone forth.* Every species of impost without the consent of parliament was not expressly renounced till the statute called *Confirmatio Chartarum*, in the twenty-fifth year of Edward I., fourscore years after the grant of the Great Charter.

To constitute this common council for the levy of aids, says the charter, "we shall cause the prelates and greater barons to be separately summoned by our letters; and we shall direct our sheriffs and bailiffs to summon generally all who hold of us in chief; and we shall take care to publish the cause of the summons in the same way, and give forty days' notice of the meeting."

To the upper house of our modern parliament this clause is still perfectly applicable. From the lower house the common council of John's charter essentially differs, in excluding representation, and in confining the right of concurrence in imposing taxes to the direct tenants of the crown. It presents, however, the first outline of a parliamentary constitution. The chapters on this subject, with others less important, were postponed till after further consideration in the charter of Henry III. on the alleged ground that they contained grave and doubtful matters. Whether this reason were honest or evasive we cannot positively ascertain; but in that reign, as we shall soon see, a house of commons, such as the present, certainly was assembled.

The thirty-ninth article of this charter is that important clause which forbids arbitrary imprisonment and punishment without lawful trial: — "Let no freeman be imprisoned or outlawed, or in any manner injured, nor proceeded against by us, otherwise than by the legal judgment of his peers, or by the law of the land." In this clause are clearly contained the writ

* 1 Hen. III. Stats. of the Realm, i. 16.

of habeas corpus, and the trial by jury,—the most effectual securities against oppression which the wisdom of man has hithento been able to devise. It is surely more praiseworthy in these haughty nobles to have covered all freemen with the same buckler as themselves, than not to have included serfs in the same protection:—"We shall sell, delay, or deny justice to none." No man can carry farther the principle that justice is the grand debt of every government to the people, which cannot be paid without rendering law cheap, prompt, and equal. Nor is the twentieth section unworthy of the like commendation:—"A freeman shall be amerced in proportion to his offence, saving his contenement, and a merchant saving his merchandise." And surely the barons must be acquitted of an exclusive spirit who subjoin, "and the villain saving his waggonage." It seems to be apparent from Glanville * that villainage was a generic term for servitude in the reign of Henry II., so that the villain of the Great Charter must have been at least a species of serf. The provision which directs that the supreme civil court shall be stationary, instead of following the king's person, is a proof of that regard to the regularity, accessibility, independence, and dignity of public justice, of which the general predominance peculiarly characterises that venerable monument of English liberty. The liberty of coming to England and going from it, secured to foreign merchants of countries with whom this kingdom is at peace, (unless there be a previous prohibition, which lord Coke interprets to mean by act of parliament,) even if we should ascribe it to the solicitude of the barons for the constant supply of their castles with foreign luxuries, becomes on that very account entitled to regard, inasmuch as the language must be held to be deliberately chosen to promote and ensure the purpose of the law.

It is observable that the language of the Great Charter is simple, brief, general without being abstract, and

* Glanv. de Legibus et Consuet. Angl. lib. v. Lond. 1673.

expressed in terms of authority, not of argument, yet commonly so reasonable as to carry with it the intrinsic evidence of its own fitness. It was understood by the simplest of the unlettered age for whom it was intended. It was remembered by them; and though they did not perceive the extensive consequences which might be derived from it, their feelings were, however unconsciously, exalted by its generality and grandeur.

It was a peculiar advantage that the consequences of its principles were, if we may so speak, only discovered gradually and slowly. It gave out on each occasion only as much of the spirit of liberty and reformation as the circumstances of succeeding generations required, and as their character would safely bear. For almost five centuries it was appealed to as the decisive authority on behalf of the people, though commonly so far only as the necessities of each case demanded. Its effect in these contests was not altogether unlike the grand process by which nature employs snows and frosts to cover her delicate germs, and to hinder them from rising above the earth till the atmosphere has acquired the mild and equal temperature which insures them against blights. On the English nation, undoubtedly, the Charter has contributed to bestow the union of establishment with improvement. To all mankind it set the first example of the progress of a great people for centuries, in blending their tumultuary democracy and haughty nobility with a fluctuating and vaguely limited monarchy, so as at length to form from these discordant materials the only form of free government which experience had shown to be reconcilable with widely extended dominions. Whoever in any future age or unborn nation may admire the felicity of the expedient which converted the power of taxation into the shield of liberty, by which discretionary and secret imprisonment was rendered impracticable, and portions of the people were trained to exercise a larger share of judicial power than was ever allotted to them in any other

civilised state, in such a manner as to secure instead of endangering public tranquillity;—whoever exults at the spectacle of enlightened and independent assemblies, who, under the eye of a well-informed nation, discuss and determine the laws and policy likely to make communities great and happy;—whoever is capable of comprehending all the effects of such institutions, with all their possible improvements, upon the mind and genius of a people, is sacredly bound to speak with reverential gratitude of the authors of the Great Charter. To have produced it, to have preserved it, to have matured it, constitute the immortal claim of England on the esteem of mankind. Her Bacons and Shakspeares, her Miltons and Newtons, with all the truth which they have revealed, and all the generous virtue which they have inspired, are of inferior value when compared with the subjection of men and their rulers to the principles of justice; if, indeed, it be not more true that these mighty spirits could not have been formed except under equal laws, nor roused to full activity without the influence of that spirit which the Great Charter breathed over their forefathers.

It is impossible to glean such facts from our scanty authorities as would justify a distribution of suitable praise among those who may in various senses be called the authors of the Charter. Fitzwalter and De Vescy are most conspicuous among the military chiefs. The primate and the earl marshal, who long remained with the king, and performed, as much as he allowed them, a mediatorial part, were probably engaged in the exposition of grievances, and in the proposal of remedies, which were, perhaps, reduced to order, and arrayed in legal order by some Glanvilles and Bractons, whose names have not descended to us. The marshal, who was also earl of Pembroke, and Fitzwalter, were both junior branches of the ancient house of the counts of Brionne in Normandy. De Vescy had espoused the sister of the king of Scots.

The election of the twenty-five guardians, and the

transfer of the regal power to them, may seem a departure from the moderate use of victory made by the barons; but it ought not to be regarded in a constitutional point of view. It was a precaution for public safety, which is to be tried by the extent of the danger and the efficacy of the bulwark. It was like the cession of fortresses to the Huguenots by the edict of Nantz, or the disposal of the militia required by the parliament from Charles I.; measures without which the party sure to be disarmed and dispersed had no security for the observance of the peace.

John could not contain his rage at the conditions imposed upon him. He betrayed it with all the symptoms of an effeminate or childish spite which could be shown by a mean and impotent spirit. The pope did not fail to come to his aid. On the 22d of August, he absolved the king from the oaths which he had taken to the barons; alleging, first, the absurd reason, that the king had taken up the cross; secondly, the very offensive ground, that all his concessions were void, because without the consent of the sovereign pontiff, who was lord paramount; and, lastly, the more specious pretence, that contracts and oaths extorted by compulsion are of no avail;—a doctrine, however plausible, which necessity has banished from contests between nations, because it would have rendered most treaties of peace illusory, and which there is, at least, equal cause to reject in civil wars; because, if it were adopted, they could never close, but by the extirpation of either of the contending parties. Shortly after, when Innocent found the barons steady to their purpose, he proceeded to excommunicate them, and to lay their lands under an interdict. The general language of this bull afforded an excuse for its non-execution. In December he published another excommunication, in which the chief barons were named, and declared to be worse than Saracens.

John did not neglect the means of military aid. His agents speedily collected an army of the mercenary soldiers with which Lower Germany then abounded. Many

thousands of these men were lost at sea, but a sufficient number reached the English shore to place the king once more at the head of no mean force. As the army of the barons could not be kept together, this foreign aid enabled John to lay waste the kingdom with impunity, and with a cruelty scarcely even then practised towards the most hated enemy.

In this emergency the barons in their turn resorted to the very equivocal and perilous expedient of calling in foreign aid. They offered the crown to Louis, the eldest son of the king of France, who for a short time was acknowledged as king of England, but the actual master of a very small portion of the country. It cannot be denied that a party engaged in just war has a right to seek allies wherever he can find them; but as foreigners are of all allies the most likely to become masters, every measure which lessens the repugnance to foreign rule impairs the safety and lowers the character of a nation. Extreme necessity, therefore, must be very clearly proved before the leaders of a people can be excused for letting foreigners into their intestine wars. Happily, the death of John, which occurred at Newark on the 18th of October, 1216, stopped the progress of this evil. No prince ever left behind him less attachment or even commiseration: there, perhaps, never was any whose memory was regarded with such balanced emotions of detestation and contempt.

HENRY III.

1216—1272.

Henry III., the eldest son of John by Isabella of Angouleme, was led through the solemnities of a coronation in the tenth year of his age. There are few periods so little fruitful in the men and events interesting to mankind in general as his long and confused reign.

Were it not that for the first time it exhibits the elements of the English constitution in a state of disturbed and disorderly fermentation, it would scarcely deserve the consideration of the philosopher and the politician.

After the coronation of the minor king at Gloucester, the care of his person and the government of the kingdom were intrusted to the earl of Pembroke earl marshal, by the barons, of whom some had been adherents of John, and all were easily persuaded to resist the pretensions of Louis. Henry, indeed, had no colour of hereditary right during the life of his unhappy cousin Eleanor of Britany, who, for many years afterwards, languished a forgotten captive in a convent at Bristol. His reign, like that of many of the same line, was computed from the coronation, which was still regarded, if not as a species of election, at least as a recognition without which the regal title was imperfect. Hubert de Burgh, constable of Dover castle, an original royalist, held out for the son of his master. Those of the baronial party who were most deeply pledged or warmly interested in the struggle were averse from coalition with the adherents of the old court, and considered themselves as bound in honour to support Louis, who had answered their call. They for a time resisted the persuasive eloquence of Pembroke, who said, at the coronation, "We have persecuted the father for evil demeanour, and worthily; yet this young child whom ye see before you, as he is in years tender, so he is innocent of his father's doings. Wherefore let us appoint him our king and governor, and the yoke of foreign servitude let us cast from us."

Only the more moderate of the former opponents of John yielded to such appeals; but they, together with the old royalists, were sufficient to bestow the character of legitimacy on the regent's administration, especially against a foreign pretender.

For several months, however, Louis kept the field, with frequent success. He experienced no considerable defection, till so large a body of his barons went over

to the regent, as to indicate a general disposition to consider the choice to be between the rule of a native and that of an alien.* The regent appears with great difficulty to have subdued the repugnance of his own son to an alliance with the court faction. Robert Fitzwalter and the most zealous authors of the charter † adhered to their pledged faith and their generous detestation of the tyrant's memory, till the battle in the streets of Lincoln in May, 1217, in which the French and baronial army was vanquished and dispersed. In September a peace was concluded, in which Louis renounced his claims, and Henry's government promised universal amnesty.

The confusion of parties which thus took place, the variety, not to say contrariety, of their motives, and the facility with which hasty unions are sometimes dissolved, add to the obscurity which surrounds the conduct of politicians in this reign, and contribute to throw its subsequent transactions into a disorder, which our defective materials do not enable us to disembroil.

The wise regent made it one of the first acts of his government to bestow the Great Charter upon Ireland ‡, and to transmit copies of it to the sheriffs in England, commanding them to read it publicly at the county courts, and strictly enjoining them to enforce its observance in every particular.§ He died in 1220, and, was buried in the church of the knights *templars*, leaving behind such a reputation, that nothing but the scantiness of our information can make us hesitate to call him one of the most prudent and upright of statesmen.

Hubert de Burgh, the grand justiciary, who succeeded Pembroke in the regency, was a man of ability and spirit, but nurtured in the school of Richard and John. He repressed the disorders of the times with a vigorous and with (what seems in a civilised age) a

* "Erat autem eâ tempestate (Dec. 1217), inter optimates Angliæ fluctuatio maxima, cui se regi committerent; juvenine Henrico, an Domino Ludovico."—*Matt. Par.* 245.

† Compare this in Matt. Par. 229. with 249.

‡ Feb. 7. 1217.—*Ryn.* i. 146.

§ Feb. 22. 1218.—*Id.* 150.

cruel hand. The leaders seem to have been a mixed body, composed of barons still jealous of the king, and of adventurers inured to freebooting. * In 1223, Hubert obtained, but did not put in force, a bull from the pope, declaring Henry competent to do all royal acts. In the same year a confirmation of the charters was demanded, but opposed, by the allegation of duress, which was the more alarming, because the fact could not be denied. Perhaps, however, a writ addressed to the sheriffs in this year, commanding them to enquire into the state of the regal franchises in their bailiwicks at the time of the rupture between John and the barons, was occasioned by this demand. In the year 1225 one of the main-springs of the English constitution began its movements. The young king was incensed, and his minister was dissatisfied, by the loss of Rochelle, the nearest port, since the forfeiture of Normandy, which enabled England to keep up any intercourse with Poitou, which Louis had gained without bloodshed. A parliament was holden at Westminster in February, which was opened by a speech from Hubert de Burgh, in which he set forth the wrongs and indignities which had been done to the king in his continental dominions, by which the barons, as well as the crown, had been driven from their patrimony, and demanded both aid and counsel from the assembled prelates and barons. A fifteenth imposed on all personal estates would, in his estimate, be sufficient to defray the expense of an expedition against France. The parliament assented to this aid, on condition that the Charter should be confirmed. The subsidy was accepted on these terms † and thus the great example was set of combining a grant of supply with a redress of grievances; out of which all reforms of the constitution have grown. In consequence of this constitutional bargain, the Great Charter was, on the 11th of February, re-issued in parliament, and has ever since auspiciously held its place at the head of English sta-

* Matt. Paris, 252. † Matt. Par. 272.

tutes. In four days after, we find the king nominating commissioners for assessing and collecting the subsidy† throughout the kingdom.

The immediate objects of the subsidy were not attained. Rochelle remained in the possession of Louis, and the only result of the expedition was the reduction of some Gascon lords, and the occupation of their strong holds by royal garrisons. A disposition to evade and discredit the charters betrayed itself in the king's councils. The barons were in an unquiet state, easily excited to measures of resistance, either by suspicious acts of state, or by wrongs alleged to be done to some of their number. Richard earl of Cornwall, elected king of the Romans, was at the head of a formidable confederacy, to which his brother Henry was obliged to yield. The subject appealed naturally to the charter; but it is not easy from the names of the leaders to form a probable opinion whether this confederacy had a political complexion. De Burgh found himself, by growing unpopularity, in 1227 obliged to obtain a declaration in parliament that the king had attained the years of discretion, doubtless with the expectation that he might convert his ward in a state of nominal independence into a sharper and yet no less manageable tool than before.

Another bull was obtained from the pope, whose character as lord paramount seems rather to be employed as an instrument than appealed to as an authority, enjoining the barons to yield obedience to the king, because, said the flattering pontiff, "his manly virtues supplied the defects of his unripe years." ‡

The commotions in France at the accession of Louis IX., tempted Henry to resume his projects of French conquest; but he gave time to Blanche, the queen-mother and regent, to compose these dissensions. He did not land in France till 1229; and even at that late period, though he was joined by the duke of Bri-

* Stat. of the Realm, i. 22.

† Rym. i. 177. *Forma omnium mobilium assidendorum et colligendorum per totam Angliam*, Feb. 15. 1225.

‡ Rym. i. 190. April 9. 1228. "Eo quod virtutes ejus suppleat ætatem."

tany, and other formidable malecontents, he suffered his army to melt away, while he wasted the irrecoverable time in shows and sports and revels. In October, 1230, he returned to England covered with disgrace.

One of Henry's vices, his prodigality, was the only part of his character useful to his country. After his return from France in spring, 1231, he demanded and obtained a scutage from parliament. In the following year the power over money was more unequivocally asserted by that assembly, who refused him an aid which he alleged to be rendered necessary by the poverty to which his French expedition had reduced him; a poverty which they assured him, by the mouth of the earl of Chester, his faithful barons suffered as much as he did from the same wasteful expenditure.

About this time he began to show dissatisfaction with Hubert de Burgh, who after the close of the regency remained first minister, with the office of justiciary for life, and to whose negligence or treachery the king insinuated that he owed the delay and defeat of his French campaign. What the demerits of the minister were it is hard to conjecture; but in most cases of long administration the minister gains a power over the king, of which the latter becomes weary long before his inconstancy is generally suspected, and at which he is the more indignant, because he is conscious that he wants courage to throw off the yoke. It is then that feeble princes are willing to accept the dreaded help of the people, and to avail themselves of a violent movement of a multitude odious to them, for the purpose of ridding themselves of a master. De Burgh was charged with having secretly dissuaded the duke of Austria from giving his daughter in marriage to Henry; with having debauched a princess of Scotland, intrusted to his care till her nuptials with the king should be solemnised; with having poisoned the earls of Salisbury and Pembroke; and with having put to death Constantine, a freeman of London, without the form of a trial. He took refuge in the monastery at Merton, and the king, as is

usual in such cases, stimulated his mind to indignation against his disgraced favourite, in order to blind himself to his own injustice and inconstancy. He commanded the mayor of London to bring the justiciary from the asylum, dead or alive. The mayor was proceeding to execute this order at the head of twenty thousand citizens, when the king, reminded of the danger of intrusting its execution to a lawless mob, was persuaded to recall his commands. Hubert was made prisoner on a journey to visit the Scottish princess, who had become his wife; he was restored to the sanctuary at the instance of the church, and again surrendered himself prisoner. Henry began to speak of Hubert's long and faithful services. Hubert was at length suffered to retire with the loss of the office which he held for life, but with great honours and estates; which, notwithstanding vexations from the fickleness of the king and the malice of the minister, he continued to enjoy for ten years, when he died at a very advanced age.

Peter, bishop of Winchester, a more daring minister than De Burgh, had a more brief period of favour than his predecessor. He had excited the prejudices of the people and the jealousy of the nobility by the multitude of his countrymen from Poitou; the higher classes of whom he loaded with invidious preferment. Two parliaments were summoned in June and July, to both of which the barons refused to repair, alleging the danger of being intercepted by the minister's bands. Richard earl marshal, the third of that powerful family, and the most esteemed man of his age, seems to have been the leader of the opposition to the bishop's government. Having been despoiled, in contravention of the charter, he avowed his resistance to the king, which in such cases was just. He took refuge, when worsted in the field, in Ireland, where the lords justices received instructions to send him "dead or alive" to England. The compliant justices quickly caught the import of this alternative; and, after a long series of acts of falsehood and perfidy, caused him to be most cruelly mur-

dered by a treacherous surgeon, who, being called in to heal some of his old wounds, burnt or cauterized them so fiercely as to throw him into a raging fever, of which he died in great agony. An historian almost contemporary called him "the flower of modern chivalry." * These and the like excesses proved fatal to the bishop's administration. By the advice of the archbishop Henry remanded the prelate to his diocess, and the Poitevins to their country.

His marriage with Eleanor of Provence, in 1236, brought to England new herds of foreigners of higher rank, and of more specious pretensions, but not less offensive to the nobility and the people. One of the queen's uncles became prime minister, another primate, on a third the earldom of Richmond was conferred. The motives of opposition among the barons were personal and vulgar. But on that wild stock was engrafted the jealousy of favourites, the impatience of irresponsible advisers, and the repugnance to high preferment flowing from the mere good will of the king, which afterwards bore excellent fruit. The banishment of obnoxious men from the king's presence and councils had been required and granted in the Great Charter itself, without any process of law or specific allegation of offence. Henry's promise to remove his foreign counsellors, though always violated, yet proved throughout his reign his best expedient for obtaining supplies. So early did the influence of parliamentary advice, on the appointment and dismissal of ministers begin to manifest itself among the springs of the English constitution. Henry was again tempted into a fruitless invasion of France, which would have been attended with the loss of all his continental dominions, if the throne of France had not been then filled by St. Louis, who, to the highest capacity for government and prowess in arms, added a scrupulous regard to the dictates of conscience, which, perhaps, no human being of any age or nation has sur-

* "Militiæ flos temporum modernorum." — *Matt. Paris*, 340.

passed. He returned in the next year loaded with debt and disgrace.

He had been obliged, in 1242, to lay his wants before a parliament, who, after having refused their consent to separate aids from the clergy and laity, and having declared that no supply could be granted but by the whole body of the kingdom, proposed that the supply granted should be placed in one of the king's castles under the care of four barons, whom the parliament were to nominate, and who were to see that it was expended for the safety of the king and the kingdom.

It was not wonderful that the parliament of 1244 should listen to his representations with more distrustful ears. Two hideages from the cultivators of land and one scutage from the military tenants had already been granted to him. A fifteenth, a fortieth, and a thirtieth of all personal estates had also at different times been levied for his service. He canvassed for presents on specious pretexts, so as to be accounted the chief of the sturdy beggars of the kingdom. His exactions, in defiance of the charters confirmed by himself, were excessive and shameless. The Jews were a constant resource. By occasional massacres, by accusations of incredible crimes, and by a sufficient number of judicial murders to give some public countenance to calumny, that people, the most industrious and wealthy portion of the inhabitants, were always kept at the king's mercy.

These grants made in the infancy of taxation to a feudal king, for whom his demesnes were deemed to yield an income adequate to all ordinary expense, alarmed the unexperienced barons. Abroad, such liberality to the crown had purchased nought but national dishonour. At home, every grant was followed by new breaches of the charter, though it was by promises to observe it that all the grants had been obtained. The parliament, therefore, required that four of the nobility should be declared conservators of the liberties of the nation, and that two of these should always attend the king, to watch over the administration of justice, and to regulate the expenditure of

the public treasure; that they were to be appointed and removed only by common consent; that the justiciary and the chancellor were to be elected in parliament; and that two justices of the bench and two barons of the exchequer were to be chosen in like manner, and to hold their offices also independent of the crown. Dictatorial measures very foreign from the general laws of a commonwealth may be justified by the necessity of guarding immature privileges, under an infant constitution, against the unceasing assaults of unwearied and inexorable foes. These and other measures of the like kind, however proposed or adopted, in the sequel of this reign, may rather be considered as attempts to ascertain by experiment the best mode of establishing a parliamentary control over the application of the supply, and the appointment of royal advisers, in most of which may be traced some irregular approach to those principles which the constitution in its more mature age afterwards applied more effectually to the same purposes.

Among the foreign chiefs who were established in England during the reign of Henry, the most conspicuous was Simon de Montfort, whose father was unhappily distinguished as the leader of the war of extermination, which, under the name of a crusade, the court of Rome had excited against those dissenters from her faith who were called Albigeois. Simon the younger, soon after his arrival, received in marriage the hand of the king's sister, the countess-dowager of Pembroke. As the commotions of the kingdom assumed a more decisively political colour, the name of this nobleman is more frequently mentioned. In 1252, a coarse altercation between the king and him is recorded, in which the earl gave the lie to his sovereign, without even proving by that outrage, for which Henry could not take personal satisfaction, a courage of which, on all other occasions, he had given ample evidence. He took a part in the proceedings of the parliament of 1253, when the bishops assembled with the peers, in presence of the king, on the 3d day of May, in Westminster-hall,

and with the most terrific solemnities excommunicated, anathematized, and expelled from the bosom of the catholic church all transgressors of the ancient liberties of the realm, especially of those which are contained in the Great Charter, together with all their aiders and abettors. While the sentence was reading, the king held his hand on his heart with a calm and cheerful countenance. When the prelates had, according to usage, thrown away their extinct and smoking tapers, saying, "So let all be extinguished and sink into the pit of hell who incur this sentence," the king answered, "So help me God, as I shall observe and keep all these things; as I am a Christian man; as I am a knight; as I am a king crowned and anointed." *

In the mean time unwonted success attended the king's arms in Gascony. He recovered those parts of the province which had fallen into the hands of the Spaniards; and the peace was cemented by the marriage of his son prince Edward with the princess Eleanor of Castile. Either intoxicated by this gleam of prosperity, or yielding to the usual levity of his nature, he resumed the same arbitrary practices, with the same contempt of the charter. He trusted to an absolution, on the accustomed ground of compulsion, from the pope, his ally, against the English clergy, who had now made common cause with their country.

On the 11th of June, 1258, a famous parliament was holden at Oxford, who represented to the king that all confirmations of the Great Charter, however strengthened by the duties of good faith, and by the most terrible denunciations of religion, having been defeated by evil advisers, it was now apparent that no security could be sufficient which did not vest the administration of the realm in the hands of men in whom the people and their chiefs could put their trust. Twenty-four barons were accordingly chosen, twelve by the king's council, and twelve by the parliament, who were empowered to redress grievances, and to reform the state, subject, how-

* Matt. Paris, 746.

ever, to a parliament to be assembled thrice in the year, and who were to be informed of breaches of law and justice throughout the country by four knights * to be elected for that purpose by each county. These provisions of Oxford modern writers have represented as a revolution. They are, however, adopted from the Great Charter itself: they are securities exacted from a faithless enemy when vanquished; and as far as they introduce novelty into the constitution, they consist in the nearer approach to popular representation, which became its first principle.

The administration of the twenty-four guardians continued for several years. In 1262, Henry made a rash and vain attempt to escape from their authority. But discouraged by the integrity of prince Edward, who declared that though he had reluctantly sworn to observe the provisions of Oxford, yet, having sworn, he should abide by his oath, the king was obliged, in the next year, to submit to a peace, by which he agreed to banish foreigners, to observe the statute of Oxford, and to put the administration of all affairs, together with the possession of his castles, into the hands of the barons. After more ineffectual attempts on his part, he agreed that the authority of the twenty-four barons was to continue during the reign of his successor. This stipulation removed the scruples of Edward, who restored so much vigour to the royalists, that both parties agreed to refer their differences to Louis IX. On the 3d of February, 1264, that excellent monarch pronounced his award, more conformable to the formalities of law, and to the scruples of a timorous conscience, than to the substantial and enlarged equity which alone can be applied to such extraordinary occasions. He enjoined the restoration of all castles, possessions, and royal rights enjoyed by the crown before the parliament of Oxford, on condition of universal amnesty, and of the full enjoyment of all the privileges and liberties granted by the charter. It is apparent, that this award was at best only a redress of grievances, without security against their return.

* Rymer, i. 375. 377. 381.

The year 1265 was one of the most memorable in the annals of England. The barons, indignant at an award which imposed obedience on all English subjects, without affording them safety, again turned their arms against the recreant king. Two of the unhappy and inglorious victories of civil war were achieved by the vigorous genius of prince Edward; while, on the other hand, Simon de Montfort, at the very moment of his fall, set the example of an extensive reformation in the frame of parliament, which, though his authority was not acknowledged by the punctilious adherents to the letter and forms of law, was afterwards legally adopted by Edward, and rendered the parliament of that year the model of the British parliament, and in a considerable degree affected the constitution of all other representative assemblies. It may indeed be considered as the practical discovery of popular representation. The particulars of the war are faintly discerned at the distance of six or seven centuries. The reformation of parliament, which first afforded proof from experience that liberty, order, greatness, power, and wealth, are capable of being blended together in a degree of harmony which the wisest men had not before believed to be possible, will be held in everlasting remembrance.

The genius and activity of prince Edward began now to give a new complexion to his father's fortune. Several of the barons, among whom was his nephew, deserted to him; and he was reinforced by a body of Scottish auxiliaries, under chiefs who were in no long time to perform a more conspicuous part. John Comyn, John Baliol lord of Galloway, and Robert Bruis (Bruce) lord of Annandale.* The king, being compelled to leave

* The chief barons who rose against Henry in 1263, were his nephew Henry the son of the king of the Romans, Henry Montford, Hugh Spenser, Baldwin Wake, Gilbert Gifford, Richard Gray, John Ros, William Marmion, Henry Hastings, Haimon l'Estrange, John Fitzjohn, Godfrey Lucy, Nicholas Segrave, Roger de Leeburn, John Vescy, Roger de Clifford, John de Vaus, Gilbert de Clare, Gilbert de Lacy, and Robert Vepont, who raised Simon de Montfort earl of Leicester to the chief command, in which he was to be aided by the earls of Gloucester, Derby, and Warren. The great houses of Bigod and Bohun, all the foreigners, and the Piercies, with their warlike borderers, with several other powerful families, made a formidable minority on the side of the king.

the disaffected capital, fell back with his army on the town and castle of Lewes, where the barons, on the 10th of May, presented a remonstrance, accompanied by vain professions of loyalty, to which the king returned a haughty answer, requiring instant submission, or defying the rebels to battle. On Wednesday, the 14th of May, the battle was fought. Prince Edward fell on the Londoners, who quickly gave way, and he pursued them with eagerness, to punish their general turbulence, as well as their late insults to his mother, by an exemplary slaughter. Leicester saw the error, and making no account of the unwarlike citizens, contented himself with cutting off Edward's junction with the rest of the royal army, whom he chose that moment to attack with such vigour as totally to rout and disperse them. The king threw himself into the castle, where his gallant son found means to join him. They were both made prisoners, and compelled to confer the administration of the kingdom on the earls of Leicester and Gloucester. Prince Edward escaped, and put himself at the head of the royalists, whose principal strength lay among the lords of the Welsh and Scottish borders, who were inured to constant war. Leicester, on his part, called in the aid of Llewellyn, prince of Wales, while David, the brother of that prince, espoused the royal party.

In the mean time, by one of those jealousies which are incident to civil war, the earl of Gloucester became impatient of the ascendant of his imperious colleague, who in effect governed the realm.

On the 6th of August, 1265, a fierce and cruel battle was fought at Evesham, between prince Edward and the earl of Leicester. The king, who was then a prisoner in the hands of Leicester, is said to have been brought into the field. The Welsh auxiliaries in Leicester's army are charged (but by English writers) with breaking the line by a disorderly flight on the first onset. In attempting to rouse the valour of his troops, which this example had damped, by rushing into the midst of the enemy, Leicester was surrounded and slain: his army was totally de-

feated, with great slaughter both of the leaders and of the soldiery. His body was, after being mangled and mutilated in a manner to which the decency of a civilised age forbids a more distinct allusion, laid before the lady of Roger lord Mortimer, as a sight grateful to her humanity and delicacy. "His hands and feet were cut from the body, and sent to several places." His memory was long revered by the people as one who died a martyr to the liberties of the realm. During the vigorous reign which ensued, the popular feeling was suppressed. In the next generation, when the public feeling could be freely uttered, he was called "Sir Simon the Righteous."* Miracles were ascribed to him, and the peopled murmured at canonisation being withheld from their martyr. He died unconscious of the imperishable name which he acquired by an act which he probably considered as of very small importance,—the summoning a parliament, of which the lower house was composed, as it has ever since been formed, of knights of the shires, and members for cities and boroughs. He thus unknowingly determined that England was to be a free country; and he was the blind instrument of disclosing to the world that great institution of representation which was to introduce into popular governments a regularity and order far more perfect than had heretofore been purchased by submission to absolute power, and to draw forth liberty from confinement in single cities to a fitness for being spread over territories which, experience does not forbid us to hope, may be as vast as have ever been grasped by the iron gripe of a despotic conqueror. The origin of so happy an innovation is one of the most interesting objects of enquiry which occurs in human affairs; but we have scarcely any positive information on the subject: for our ancient historians, though they are not wanting in diligently recording the number and the acts

* Fabian — Ran. of Chester Polychron. "Sic labores finivit suos vir ille magnificus Simon comes, qui non solum sua sed se impendit pro oppressione pauperum, asertione justitiæ et regni jure."—*Rishan. n. Cont. Matt. Paris*, 8. The chronicler characterises Leicester by frugality, constancy, and severity, commends his piety, and even bestows on him the unwonted praise of literature.

of national assemblies, describe their composition in a manner too general to be instructive, and take little note of novelty or peculiarity in the constitution of that which was called by the earl of Leicester.

That assembly met at London on the 22d of January, 1265, according to writs still extant, and the earliest of their kind known to us, directing "the sheriffs to elect and return two knights for each county; two citizens for each city; and two burgesses for every burgh in the county." If this assembly be supposed to be the same which is vested with the power of granting supply by the Great Charter of John, the constitution must be thought to have undergone an extensive, though unrecorded, revolution in the somewhat inadequate space of only fifty years, which had elapsed since the capitulation of Runnymede: for in the Great Charter we find the tenants of the crown in chief alone expressly mentioned as forming with the prelates and peers the common council for purposes of taxation; and even they seem to have been required to give their personal attendance, the important circumstances of election and representation not being mentioned in the treaty with John. Neither does it contain any stipulation of sufficient distinctness applicable to cities and boroughs, for which the charter provides no more than the maintenance of their ancient liberties.

Probable conjecture is all that can now be expected respecting the rise and progress of these changes. It is, indeed, beyond all doubt, that by the constitution, even as subsisting under the early Normans, the great council shared the legislative power with the king, as clearly as the parliament have since done.* But these great councils do not seem to have contained members of popular choice; and the king, who was supported by the revenue of his demesnes, and by dues from his military tenants, does not appear at first to have imposed, by legislative authority, general taxes to provide for the security and

* "Legis habet viporem, quicquid de consilio et consensu magnatum et reipublicæ communi approbatione, authoritate regis, juste fuerit definitum." —*Bracton.*

good government of the community. These were abstract notions, not prevalent in ages when the monarch was a lord paramount rather than a supreme magistrate. Many of the feudal perquisites had been arbitrarily augmented, and oppressively levied. These the Great Charter, in some cases, reduced to a certain sum; while it limited the period of military service itself. With respect to scutages and aids, which were not capable of being reduced to a fixed rate, the security adopted was, that they should never be legal, unless they were assented to at least by the majority of those who were to pay them. Now these were not the people at large, but the military tenants of the crown, who are accordingly the only persons entitled to be present at the great council to be holden for taxation. Very early, however, talliages had been exacted by the crown from those who were not military tenants; and this imposition daily grew in importance with the relaxation of the feudal tenures, and the increasing opulence of towns. The attempt of the barons to include talliage, and even the vague mention of the privileges of burghs, are decisive symptoms of this silent revolution. But the generally feudal character of the charter and the main objects of its framers prevailed over that premature but very honest effort of the barons.

The following general observations may, perhaps, throw some light on the transition by which the national assembly passed from an aristocratical legislature, representing, perhaps not inadequately, the opinions of all who could have exercised political rights if they had then possessed them; through the stage of a great council, of which the popular portion consisted of all tenants in chief who had the power and the desire to attend such meetings; and at last terminated in a parliament, of which members chosen by the lesser nobility, by the landholders, and by the industrious inhabitants of towns, were a component part. With respect to the elections for counties, the necessary steps are few and simple. The appointment of certain knights to examine

and redress the grievances in their respective counties, was likely to be the first advance. The instances of such nomination in the thirteenth century* were probably, in some measure, copied from more ancient precedents, overlooked by the monkish historians. It is scarcely to be doubted that, before the Great Charter of John, the king had employed commissioners to persuade the gentry of the provinces to pay the scutages and aids, which, though their general legality was unquestionable, were sure to be often in arrear. They were, doubtless, armed with power to compromise and to facilitate payment by an equitable distribution of the burden among the military tenants. It is a short step from this state of things to direct the inferior military tenants of the whole kingdom to send deputies to the capital, empowered to treat with the crown respecting these contributions on general and uniform principles. The distinction made by the charter between the greater barons, who were personally summoned, and the smaller barons, who were only warned to attend by general proclamation, pointed out very obviously the application to the latter of the principle of representation, by which alone they could retain any influence over the public councils.

The other great change, namely, the admission of all who held land from any lord mesne or paramount, not by a base tenure, to vote in the election of knights of the shire, has been generally regarded as inexplicable. Considerable light has lately been thrown upon it by one of the most acute and learned of our constitutional antiquaries.† It is universally agreed, and, indeed, demonstrated by the most early writs, that the suitors at the county court became afterwards the voters at county elections. It is now proved that numerous free tenants of mesne lords, in every county of England, did suit and service at county courts, certainly in the reigns of Henry III. and of Edward I.; probably in times so ancient, that we can see no light beyond them. As

* Hallam, Hist. Mid. Ages, ii. 215.
† Mr. Allen, master of Dulwich College. Edinburgh Review, xxvi. 511.

soon, therefore, as the suitors acquired votes, the whole body of the freeholders became the constituents in counties.

Some part of the same process may be traced in the share of representation conferred on towns. In all the countries which had been provinces of the Roman empire, these communities retained some vestiges of those elective forms, and of that local administration which had been bestowed on them by the civilising policy of the Roman conquerors, and which, though too humble to excite the jealousy, or even to attract the observation, of the petty tyrants in whose territory they were situated, yet undoubtedly contributed to fit them for more valuable privileges in better times. The splendid victory of the Lombard republics over the empire, and the greatness of the maritime states of Venice and Genoa, Pisa and Florence, rendered Italy the chief seat of European civilisation. In Germany, some towns on the Rhine, and on the northern shore, slowly acquired a republican constitution, imperfectly dependant on the imperial authority.

In Switzerland, towns became substantially independent, like those of Italy, and, as in the ancient world, reduced the surrounding territories under their rule. In these countries, the government of the towns was either retained by the people, or by degrees confined to a few, exhibiting, like the cities of Greece, many of the shades between these extreme points, and most of the combinations of which such elements are capable. In France, in the Spanish peninsula, and in the British islands, their deputies became component members of the legislative assemblies. Those of Spain were present at the cortes of 1169, forty-six years before the Great Charter, the most early infusion of a representative principle into an European legislature; which has been ascribed to the necessity of bribing men by political privileges to garrison as well as inhabit towns exposed to the perpetual attacks of the Mahometans, from whom they had been recently conquered. In France, the

exemption of towns from the jurisdiction of the tyrannical lords of their neighbourhood, which has been falsely attributed to the policy of Louis le Gros, desirous of raising up rivals to the imperious barons, in truth extended at the same time to a territory twice or thrice as extensive as his principality between the Somme and the Loire, and appears to have been extorted from him, as well as from other lords, by a simultaneous movement originating in the inhabitants of some cities in Flanders and northern France.*

In England, the charters were early granted which exempted towns from baronial tyranny, and sanctioned the usages and by-laws which regulated their internal government. Those burghs, which were part of the ancient demesne of the crown, were subject to the payment of the feudal incidents. Talliage was exacted from them all; an impost founded on a conjectural and very uncertain estimate of the fortunes of individuals. The nature of this very arbitrary imposition made it difficult to settle the amount, and to procure the payment of it without intercourse between the king's agents and the burgesses, or their authorised proxies. These negotiations were generally committed to the judges of assize. Special commissioners often supplied their place. Nothing was more natural than to simplify these dealings by convoking a general meeting of delegates from burghs in London, to negotiate the talliages of the towns with the king's plenipotentiaries. When the consent of parliament was made necessary to the levy of talliage, of subsidies, and, in effect, of all taxes, as well as of the feudal dues in the latter years of Edward I., the burgesses became integral and essential parts of the legislature. The union, so pregnant with momentous and beneficial consequences, of the deputies of the minor nobility in the same house with those of the industrious classes, was not systematically adopted till a somewhat later period; but the tendency of two bodies of elective

* Thierry, Lettres sur l'Histoire de France, 148—509., with the ample authorities from Dom. Bouquet.

members, whose chief concerns in legislation were of the same nature to form an united body, is too apparent to require more than the shortest allusion.

After the battle of Evesham, and the death of Montfort, the baronial party appeared to be extinct. The parliament assembled by the royalists was the pliant instrument of their rapacity and revenge. The followers of Leicester were proscribed: their lands were distributed among the victors. The king distinguished himself by nothing but the unmanly insolence of a feeble mind intoxicated by undeserved success. His sagacious and intrepid son reduced the baronial castles, and dispersed the assemblages of the malcontent party. The earl of Gloucester, who, after the death of his great rival, once more took up arms for the commons, was compelled to make his peace. Edward entered as a conqueror into the Isle of Ely, which again, after an interval of two centuries, seemed to be the last stronghold of English liberty. The swell left behind by such tempests subsided; and in no long period after the battle of Evesham, quiet and security appeared to be so generally established, that prince Edward took up the cross. In two years after, he began his expedition, visiting on his voyage his illustrious ally St. Louis at Tunis, where that monarch, who, if his judgment had been as sound as his conscience was pure, would have been justly accounted the most excellent of men, died of the plague. The campaign of Edward in the Holy Land, adorned by romantic adventures, and distinguished by the prince's feats of arms, could not, however, stay the downfall of Acre, the last remains of Christian conquest in Palestine, which, twenty years after, fell under the power of the Mamaluke sultans of Egypt.

The remaining years of Henry's reign were of little importance. He died in November, 1272, after a nominal reign of fifty-six years: a memorable period, which owes no part of its interest to the monarch from whose sway it derives its name.

Though Simon de Montfort was slain, his lifeless

remains outraged, his acts branded as those of an usurper, and his name held in abhorrence by the powerful, was distinguished only by the blessings of the poor, and the praise of the learned, yet, in spite of authority and prejudice, his bold and fortunate innovation survived.

When the barons originally took up arms against John, they exercised the indisputable right of resistance to oppression. They gave a wholesome warning to sovereigns, and breathed into the hearts of nations a high sense of their rights. But in this first stage they knew not how to improve their victory: they took no securities; and made no lasting provision for the time to come. Both parties might have won successive victory, with no other fruit than alternate tyranny.

In the second stage of the contest the national leaders obtained, in the Great Charter, a solemn recognition of the rights of mankind; and some provisions which, by reserving to a national assembly the power over many taxes, laid the foundation of a permanent and effective control over the crown. Still, the means of redressing grievances chiefly lay in an appeal to arms: — a coarse and perilous expedient, which, however justifiable by extreme necessity, is always of uncertain issue, and of which the frequent repetition is incompatible with the peace and order of human society. Such were the plans of government in the Great Charter, the provisions of Oxford, and the *mise* or agreement of Lewes.

The third epoch is distinguished by the establishment of a permanent assembly, which was on ordinary occasions capable of checking the prerogative by a quiet and constant action, yet strong enough to oppose it more decisively, if no other means of preventing tyranny should be left. Hence the unspeakable importance of the new constitution given to parliament by Simon de Montfort. Hence also arose the necessity under which the succeeding king, with all his policy and energy, found himself of adopting this precedent from a hated usurper. It would have been vain to have legally strengthened parliament against the crown, unless it had

been actually strengthened by widening its foundations, by rendering it a bond of union between orders of men jealous of each other, and by multiplying its points of contact with the people, the sole allies from whom succour could be hoped. The introduction of knights, citizens, and burgesses into the legislature, by its continuance in circumstances so apparently inauspicious, showed how exactly it suited the necessities and demands of society at that moment. No sooner had events thrown forward the measure, than its fitness to the state of the community became apparent. It is often thus, that in the clamours of men for a succession of objects, society, by a sort of elective attraction, seems to select from among them what has an affinity with itself, and what easily combines with it in its state at the time. The enlargement of the basis of the legislature thus stood the test which discriminates visionary projects from necessary repair and prudent reformation. It would be nowise inconsistent with this view of the subject, if we were to suppose that De Montfort, by this novelty, paid court to the lower orders to gain allies against the nobility,—the surmise of one ancient chronicler, eagerly adopted by several modern historians.* That he might entertain such a project as a temporary expedient, is by no means improbable. To ascribe to him a more extensive foresight, would be unreasonable in times better than his. If the supposition could be substantiated, it would only prove more clearly that his ambition was guided by sagacity; that he saw the part of society which was growing in strength, and with which a provident government ought to seek an alliance; that amidst the noise and confusion of popular complaint, he had learned the art of deciphering its often wayward language, and of discriminating the clamour of a moment from demands rooted in the nature and circumstances of society.

* "Comes Leycestriæ cauté prævidens ne fortè magnates regni quos fickibiles et mutabiles reputavit contra se aliquid acceptare præsumerent, præmeditatis cautelis disposuit in jores deprimere et eorum potentiam annihilare ut exinanitis eorum viribus liberius et facilius vulgare sibi populos subjugaret."—*Chron. Thom. Wykes. Gale*, 66.

EDWARD I.

1272—1307.

The renown of Edward secured his peaceable succession during his absence in the Holy Land, as perfectly as if he were in London and had immediately stepped upon the throne. Conscious of security, he returned slowly, not neglecting the policy of his continental territories, and indulging himself in those martial amusements to which a great captain in the prime of manhood was by habit as well as nature prone. His reign was calculated, not from the day of his father's demise, but from that on which he was publicly recognised *; according to an usage which still manifested a show of respect for the consent of the people.

Laying aside his disputes with his neighbours as a French prince, his active and splendid reign may be considered as an attempt to subject the whole island of Great Britain to his sway. Feudal superiority was the instrument which he employed against Wales with final success, and against Scotland with the appearance of having discomfited every adversary.

It has been already observed, that in the first ages after the Saxon invasion, at least six principalities, peopled by the Cambro-British race, occupied the west coast of Britain from the Clyde to the Land's End. In the end of the eleventh century † this people were known by the name of Wallenses or Welshmen: names very similar to those applied on the continent by the Teutonic tribes to denote the Gaulish race in their neighbourhood ‡, called by them Walloons in Flanders, and Welsh in Switzerland as well as Italy. The history of this native race has not yet been extricated from fable; nor has any Welshman yet arisen who has made such attempts to

* Palgrave, Parl. Writs, E. I. † Domesday Book.

‡ The interchange of G and W is one of the most frequent. Ward and guard, war and guerre, Willhelm and Guillaume, will suggest many similar examples.

recover the perhaps still remaining materials, as will warrant us in asserting that they have altogether perished. An early conquest damped the national feeling, which would have fondly clung to the slenderest fragment of such memorials, from the pursuit and preservation of which at the favourable time they were diverted by their long reliance on the legends of Geoffrey of Monmouth. Their subjection was not, like that of Ireland, imperfect; and their very inferior numbers, as well as their local situation prevented, that indignation from growing among them which ages of oppression kept up in the bosoms of the Irish nation. Although there be no evidence of their subjugation by the invaders, yet neither do we before the eighth century find authenticated accounts of their appearance in the territory of their enemies, under chiefs of name, and in a somewhat regular form.

About the year 876 their country was divided into three divisions—North Wales, South Wales, and the intermediate district called Powis; of which the reigning princes were held together by some loose ties of confederacy, and by an arrangement which made each of them the arbitrators of disputes between the remaining two.* The jealousies between Wessex and Mercia, and the long contest between the Danes and Saxons, exposed Wales to frequent inroad and ravage, but guarded it from absolute conquest.

In the end of the tenth century Howel Dha appears as the lawgiver of Wales; a character under which most nations are pleased to embody and personify the reason of ages, and the feelings out of which their national usages have sprung. The slight difference between the Saxon and the British Christians, respecting the observance of Easter, was sufficient to foster an animosity conducive to the independence of the weaker party. The monasteries from Bangor to St. David's seem, from the examples of Pelagius and of Asser, not to have been wanting in the learning of the times. Neighbourhood, intermixture, contact at many points, gave the atrocity of civil discord

* Powell's Hist. of Wales.

to their warfare, and thus engendered a new abhorrence of each other, of which the only alleviation was that it was most keenly felt by the feebler nation, and that it sometimes supplied their defect in number and strength.

Athelstan, in 933, compelled the Welsh principalities to become his tributaries. Upon this treaty, which may have been broken by the conqueror or cancelled by subsequent events, and of which we know nothing but its existence, the Normans built their system of lordship paramount over all England, soon after extended by them to the whole island; though founded on the feudal relation of lord and vassal, which is no necessary inference from the payment of tribute, especially at a period when the feudal system was every where imperfect, and probably little known to the Cambro-Britons. Powis was the central part of the eastern frontier of Wales, which had been early dismembered by the Mercians *; its princes gradually sunk into English barons, and took an unnatural part in the Norman conquest of their country.

The beautiful country of South Wales soon attracted the rapacity of the Norman adventurers. In the year 1091 Fitzhamond, a relation of the duke of Normandy, being called in by a native chief to aid him in a quarrel, reduced Glamorgan, and shared it among his most considerable followers. In 1105 a multitude of Flemings, compelled to seek refuge abroad by one of those inundations against which the utmost knowledge and skill cannot ensure a country rescued from the sea, implored Henry I. to assign them land which was void of inhabitants. He planted them in Dyrfed or West Wales, since called Pembrokeshire, where their posterity, mixing easily with the Anglo-Normans, are still distinguished by language from their Cambrian neighbours, whom they long treated as natural enemies, agreeably to the policy which occasioned the plantation. South Wales became a scene of carnage. Contests with the English

* Powell, 169.

and with each other kept up constant wars. "For the least offence, nay, for suspicion, murder was openly committed." * In so many petty states owning only a nominal homage to the distant king of London, the chiefs without scruple blinded or murdered their formidable relations, and thought it no more dishonourable to destroy their enemies by assassination than to encounter them in battle.

The ruins of castles still mark the strongholds of the Anglo-Normans against the natives, and the line by which the invaders marched to embark in the expedition against Ireland. The Normans, however they might pretend to more advanced civilisation, did not yield in faithless and merciless deeds to the unhappy Britons, whom the rapacious invaders had driven to despair. In the midst of their distractions they drove back Henry II., and obliged him to make peace in 1157. Rhys prince of South Wales, in spite of the mutilation of his principality, refused to consent to the treaty, and took refuge from slavery in the wilderness of the Tivy. Henry was once more obliged to make a dishonourable retreat before them; and he is charged by the Welsh writers with the inhuman revenge of "plucking out the eyes of the hostages, the sons of the princes of North and South Wales." The principality of North Wales, called by the English the principality of Aberfraw or Shauden, which had always exercised some supremacy over the other Cambrian states, was still almost untouched by the English arms. But its princes unfortunately mingled in the baronial wars; they became members of English factions, whose adverse as well as prosperous fortune it seemed meet that they should share: they apparently acquiesced in their own vassalage, by exchanging their independence for a high place amidst the Anglo-Norman lords. Though nothing effectual was done for their subjugation during the confusions of the

* Powell, 155., a translation from the Welsh Chronicle of Caradoc of Llancarvon, who flourished about 1157; a work which is similar in its origin and materials to the Saxon Chronicle and the Irish Annals, but which has not hitherto had the like good fortune in an industrious and critical editor.

reigns of John and Henry III., their alienation and estrangement from their native country, during that period, silently sapped the foundations of their authority.

With the reign of Edward the preparations for an attack on Llewellyn prince of Wales began. The king's claims as liege lord stood him in good stead. This feudal superiority often appeared no more than an alliance equally eligible to both parties. It might, at other times, be represented as a mere solemnity in which great princes often acquiesced. Yet, when once recognised, it was capable of being so stretched in favourable circumstances, as to become a pretext for the vexations of perpetual interference, out of which endless provocations and wrongs were sure to arise. The liege lord might excite the discontents of the subordinate tenants against their immediate lords. Appeals from the courts of the obnoxious tenant were easily procured. Wherever the vassal of the crown proved too powerful and obstinate, it was seldom difficult for the lord paramount to find a decent pretext for retreat till a more favourable opportunity should arise. He had the great advantage of acting under those forms of law, and with that tone of legitimate authority, which often shelter the most cruel wrongs. The confiscation of the Plantagenet territory in France, though not so unequivocal an act of injustice as many others of the same kind, was a striking instance of the account to which this jurisdiction might be turned.

Immediately after the recognition of Edward, a summons had issued to Llewellyn to do homage as one of the great vassals. The duties of vassalage were indisputable, and they are uniformly acknowledged by Llewellyn. The advantage of form and the plausibilities of legal reasoning were on the side of Edward; but much of the substantial justice of the case is kept out of view by the specious language of the state papers which issued from Edward's ministers.* The prince of Wales

* Rymer, ii. 504. 550.

urged that he could not with safety repair to the court of a monarch who had violated the terms of a solemn treaty, recently concluded under the mediation of the pope, and who received disaffected and even rebellious Welshmen with favour and distinction. He demanded hostages to ensure his security; and he appealed to the pope, and even to the English primate, for the reasonableness of such an assurance. In the course of the negotiations Edward gave Llewellyn a new proof of very ungenerous enmity. The Welsh prince was desirous of solemnising his nuptials with Elinor de Montfort, to whom he had been for a considerable time affianced. As soon as Edward heard of the voyage of this lady from France, he despatched vessels in pursuit of her, who brought her prisoner into England, where she was detained for more than two years, in a period of peace, without any colour of justice or even pretext of law. The English parliament pronounced the doom of forfeiture against Llewellyn. Sentence of excommunication issued against him. The first campaign against Wales either languished, or was divided between petty inroads and mighty preparations: but Edward summoned all his vassals to take the field in 1277. He opened roads into the inmost fastnesses of Snowdon. In his advance he repaired or rebuilt the castles of Rhuddland and Flint, manifesting at every step the wariness of a statesman and a commander preparing for the subjugation of a gallant people. Surrounded by such formidable enemies, and touched by the hope of delivering his beloved Elinor, the prince of North Wales acquiesced in conditions of peace imposed by the conqueror, and equivalent to conquest.* The whole principality was, in effect, ceded, except Anglesea, the ancient refuge of princes and retreat of bards, which was itself to revert to the liege lord in case of failure of issue male of Llewellyn. Even this remnant of dominion was ransomed by a stipulation to pay the enormous sum of fifty thousand pounds sterling.

* Ratific Pacis cum Princ. Wallie apud Rhuddland, 10 Nov. 1277.—*Rymer*, ii. 546.

which, if it was afterwards remitted, was probably not exacted only because it could not be paid. The natural consequences of all treaties of submission soon manifested themselves: Llewellyn reproached himself for the sacrifice of his country; he read reproof in the countenance of every faithful subject. To restrain the indignation of his people he soon discovered to be impracable, and probably felt to be intolerable. The insolence of the victors rendered the treaty daily more hateful. In the mean time David the brother of Llewellyn was indignant at a treaty more injurious to himself and his family than to the childless prince, and recoiled probably from the too complete success of his own treason against his country. The prophecies of ancient poets easily assumed the meaning most suitable to the excited feelings of a brave and superstitious nation. Llewellyn's grievances, if founded in fact, certainly absolved him from the observance of the slavish compact.* "The brave people of Snowdon declared, that though the prince should give the king possession of it, they would never submit to strangers."—"The prince," said the Welch "chiefs cannot in honesty resign his paternal inheritance, and accept other lands among the English, of whose customs and language he is ignorant."† Edward's army penetrated into Anglesea by a bridge of boats over the Menai; now crossed by a more lasting bridge, one of the greatest works of useful and magnificent art. But prince David, at the head of his generous mountaineers, carried on a vigorous warfare on them‡; and Llewellyn himself defeated the English invaders—killing or drowning the greater part of them in their retreat to the main land. In another action the lords Audley and Clifford were slain, and the king reduced to the necessity of seeking safety in one of his castles. In the mean time Llewellyn, pressed by Mortimer the border chief towards the south, went with a few attendants to a place near Builth, where he appears to have appointed the lords of

* Powell, 283. † Ibid. 295.
‡ Sed ista guerra erat ferox et fortis. — *Knighton*, lib. iii. c. i.

the neighbourhood to concert measures. Either lukewarm and fearful, or, as the Welsh annalist intimates, more deliberately perfidious, the degenerate chiefs deserted their gallant prince, who had remained in his defenceless position, till Roger Mortimer with a large force fell on him. Thus taken by surprise, and perhaps betrayed, Llewellyn fell*, the victim seemingly rather of assassination than of fair battle: Adam Frankton ran him through the body unarmed, the 10th of December, 1282. As soon as his rank was discovered, his head was cut off; sent to Edward, then at Shrewsbury; by whose command it was placed on the Tower of London, with a crown of willows, in base mockery of those ancient songs which were fondly believed by the Welsh to prefigure their deliverer, as adorned by this symbol of sovereignty. Thus perished the last sovereign of one of the most ancient ruling families of Europe.

In 1283, the prince David was made prisoner; tried before an English parliament at Shrewsbury†; convicted by them of high treason for the defence of his country; and, after being drawn asunder by horses, and seeing his heart and bowels burnt before his face, was beheaded and cut into four parts—the head being exposed beside that of his brother, on the Tower of London, and the members distributed over four of the chief towns of the kingdom; — probably the earliest instance of that horrible punishment afterwards appointed for treason, of which it required all the power of reason, eloquence, and character, united in the person of sir Samuel Romilly, five hundred years afterwards, to procure the abolition; as if to warn mankind how easily the most execrable example may be introduced, and with what difficulty a country is purified from it.

* Hearne, Ann. de Dunst. 474.

† The calm and decent language of the summons to this parliament shows the impartiality which David had to expect.

"Dictum David, qui quasi ultimus superstes *de dictorum proditorum* genere habebatur." *Rymer*, ii. 670. Rudland, 28 June, 1283. The like writs issued to the city of London and to twenty-one cities and towns. All the sheriffs were in the same manner required to cause two knights to be elected for each county who were to meet the king in parliament at Shrewsbury on the morrow of St. Michael.

The mind is often perplexed about estimating the comparative demerits of both parties in such contests as that between Edward and Llewellyn; but the only principle by which a just judgment can be formed, is that of invariable regard to the intention of the contending chiefs. Edward's object was aggrandisement. Whatever occasional breaches of treaty or violations of humanity the Welsh may have committed, their deliberate aim never could have reached beyond the defence of their rights. His ambition tainted all his acts, and renders his conformity to the letter of the law a fraudulent evasion of the rules of justice. Their cause was in itself sacred, and entitles them to some excuse for having maintained it by those means of warfare which the barbarity of that age deemed lawful.

The massacre of the bards is an act of cruelty imputed to Edward without evidence, and inconsistent with his temper, which fitted him for what stern policy required, but was not infected by wanton ferocity. It is one of those traditions of which the long prevalence attests the deep-rooted hatred of a nation towards conquerors. From the death of Llewellyn, one of the most ancient branches of the Celtic race lost their national character. For two centuries more Wales suffered all the evils of anarchy and misrule. The marches were governed by arbitrary maxims: in the interior the people suffered alike from banditti and from tyrannical magistrates. It was not till the reigns of the Tudors, "Britannia's issue," that wise attempts were made to humanise them by equal laws. Their language withheld many of them from contributing to English literature; and yet their small numbers, their constant disorder, and their multiplied links of dependence, repressed a genius which might have otherwise assumed a national form. If considered, as they now should be, as a part of the people of England, their contributions have been by no means inadequate to reasonable expectations. But the mental produce of a nation has been inconsistently expected from a people robbed of national character, and

who are only now re-appearing on a footing of legal and moral equality with all other Englishmen.

The attempt, so nearly successful, to subjugate Scotland, filled up so entirely and conspicuously the sequel of Edward's reign, as to hide all other acts of that monarch from observation. That portion of his administration having been already related by the illustrious historian of Scotland, little can be admitted here beyond a brief outline of Edward's policy towards Scotland, as far as it contributes to illustrate the nature and limits of that great monarch's faults. By the untimely death of Alexander III.*, the last monarch of a Celtic dynasty of unknown antiquity, the crown of Scotland had devolved on the princess Margaret, known in the rudest fragments of our ancient verses as "the fair maid of Norroway," the daughter of Eric king of Norway by a Scottish princess, the only child of the late king who had issue. This lady was affianced to Edward's eldest son, to whom he now gave the name of prince of Wales, with the consent of the king of Norway and of the estates of Scotland, on conditions which preserved alike the dignity, honour, and perfect independence of both kingdoms. Though the treaty contained a general reservation of the claims of the two countries, it was silent on the ancient pretension to superiority over Scotland, and expressly provided that no baron who was a vassal of Edward should leave his own country to do homage, — a provision which, by its silence respecting Scottish kings, seemed to imply a renunciation of paramouncy over them, and which amounted to a confession that the English policy towards the unfortunate Llewellyn was unjustifiable. This treaty, so friendly in its terms and tone, afforded no reason for apprehending the scenes which ensued. But the royal infant, the frail bond of union between ambitious chiefs and turbulent nations, died in her stormy voyage from Norway to Scotland.†

* 12 March, 1286. — *Dalrymple*, Ann. of Scotland, i. Table of Kings of Scotland.

† Died in Orkney, September 1290, in the fifth year of her reign, and the sixth of her age. — *Dalrymple*, i.

Many competitors for the Scottish crown sprung up, of whom the greater part urged pretensions so manifestly groundless, as to show that justice was the least part of that on which they relied.. Two only had specious claims—John Baliol lord of Galloway, and Robert Bruce lord of Annandale — both among the most potent of the Anglo-Norman barons who had settled in Scotland; whose titles were so equally balanced, that in the uncertain jurisprudence of that age a determination might be pronounced in favour of either, without warranting the imputation of manifest injustice. The right of succession being limited to the descendants of David earl of Huntingdon, brother to William the Lion king of Scotland; John Baliol was the grandson of that prince's eldest daughter, and Robert Bruce the son of his second daughter. Baliol was, on the modern principle of representation, the undisputed heir. Bruce claimed as being one degree nearer of kin to the common ancestor; a title which was probably thought at that time not untenable.

The untimely death of the young queen spread consternation through Scotland—the forerunner of twenty years' foreign and civil war, and of an apparently final imposition of the yoke of the stranger; soon, however, thrown off by efforts of national spirit which maintained for ages the independence and the fame which fostered the characteristic virtues and invigorated the intellectual powers of the people.

Edward had many pretences for interposing on this occasion: he was the uncle of the deceased princess, who had been affianced to his son, and during whose long minority he would probably have exercised the substantial authority of king of Scotland; the Scottish succession was so connected with the tranquillity of the whole island, that he had an honest interest in settling it peaceably. The homage formerly done by the Scottish princes had often been expressly limited to English fiefs, or to the province of Scotland southward of the Forth, called Louden or Louthen, which appears to have been a part of the kingdom of Northumberland; but in times of

friendship and confidence it had been but very vaguely expressed, and at periods of insolent success an express homage for the whole of Scotland had been required. Such, in fine, was the variety of these precedents, that Edward, when a judge in his own cause, could hardly be much condemned for considering them as favourable to himself. He issued a summons to the barons of the five northern counties, among whom were Bruce and Baliol, to meet him at Norham with all their military force in the beginning of June 1291; and summoned also, in 1292, the nobility and clergy of Scotland to meet him there about the same time: the language of the latter summons was studiously ambiguous. As Edward had, in August 1290, appointed the bishop of Durham to be the lieutenant of Edward and Margaret in Scotland*, it was the more easy for him to continue a superintendence over Scottish affairs, in the mixed character of guardian to his minor son and niece and of a party to the treaty of marriage between them, without giving alarm by avowing new pretensions, or tying up his own hands by a more precise definition of his rights. The nobles or chiefs of Scotland accordingly complied with his direction in repairing to Norham on the 10th of May, on the faith of his royal safe conduct, but apparently without armed followers, in a foreign territory and in the midst of preparations for assembling an army. Brabazen, justiciary of England, informed the Scotch that Edward, as lord paramount of Scotland, had made this long journey to do justice in the great cause of the succession to the crown of Scotland. It is manifest that the states of Scotland were taken by surprise, for they prayed for an interval of three weeks to consider their answer. So sagacious a prince, who adhered rigorously to the forms and solemnities of legal proceeding, could scarcely hesitate about granting so specious a prayer; especially in a case where his influence over the competitors, who well knew that under whatever title he was actually to decide their fate, would secure him against the danger of delay. On the

* Rymer ii. 487. August 28. 1290.

2d of June, when once more required to acknowledge him lord paramount, they ventured to say that this pretension was new to them*, and to add, "No answer can be made while the throne is vacant;" an observation to which no argumentative reply was possible, and which drove Edward to a threat of force. "By St. Edward, whose crown I wear, I will vindicate my just rights, or perish in the attempt!" The competitors, whose interest in the question and ascendant over the body of chiefs rendered their example irresistible, began the proceedings by recognising Edward as lord paramount, and by agreeing that all the fortresses of the kingdom should be put into his hands. Thus he obtained the means of doing right, but the means also of doing wrong. His chancellor then solemnly protested that the king, though he had now confined himself to the assertion of his rights as lord paramount, — being sufficient for the present purpose, — by no means renounced his direct claims to the Scottish throne, which he expressly reserved to himself the liberty of making when he should think fit; thus leaving it open for him to claim Scotland as a male fief which returned to the liege lord for want of heir male; — a part of the subject untouched by the pending arbitration, in which all the parties, as they claimed through females, were alike barred from objecting to female succession.

The net was now drawn round the estates of Scotland. The English monarch had so skilfully enveigled them into his snares, that he was at leisure to give a smooth varnish of judicial deliberation, and a shallow semblance of free agency, to proceedings into which they were plunged by the example of the competitors, and from which Edward, with whatever outward decorum, sternly forbad them to retire. They were obliged even to subscribe a declaration, asserting that their acts were free and wholly uninfluenced by force or fear; — a language of which the necessity generally proves the falsehood. Mark bishop of Sodor (that is, of the southern

* Walsingham, 56.

Hebrides) had the infamy to bring "the first fruits of servility to the feet of Edward, and was the only prelate who swore the oath of fealty on the first day. Gilbert de Umfraville earl of Angus, a nobleman of Anglo-Norman lineage, was the only man who showed a spark of Scottish spirit, by refusing to surrender the castles of Dundee and Forfar to England without an indemnity from Edward and from the competitors for yielding to the general defection.

After many other parliamentary proceedings, the king gave judgment, that John de Baliol should recover and have seisin of the kingdom of Scotland. The judgment was certainly justifiable; and perhaps it was that which the most learned and impartial judges would then have pronounced in those countries of Europe where the science of jurisprudence was most advanced; neither was the character of Edward so depraved that the justice of the judgment was not likely to have been, perhaps his strongest inducement for pronouncing it. All the competitors were equally in his noose. The spell of a common slavishness had equally disabled all from effectual resistance to his farther encroachments. In this state of things, it would be a very wanton over-refinement to suggest that he gave judgment for the right heir, in order to conceal and secure his farther unrighteous purpose. Baliol swore fealty to Edward on the 20th of November, and was crowned at Scone on the 30th of the same month, in the year 1292. Discussions on the much disputed question of appeals from the Scottish courts to the English parliament were a plentiful source of ill-humour. The king of Scotland was vexatiously summoned to parliament. Baliol, a man of inconstant and impatient temper, rather than of a mean spirit, could not bear the reproaches of his people, and was unable to contain his indignation till his means of giving effect to it were prepared. A war broke out between England and France, in which Edward demanded the military service of the Scotch. That nation eluded the demand, prevailed on Baliol to dismiss all Englishmen from his court, and, in 1295, secretly con-

cluded an alliance with France.* Hostilities were carried on for a year with various success. The Scots were at length every where defeated. Baliol, who had shown some sparks of spirit, made a submission to Edward in terms of abject supplication.† The English monarch in his march, which extended to Elgin ‡ in Murray, saw nothing but submission and slavery; nor can he be charged with an abuse of victory.

In the year 1297, Scotland, of which the condition seemed utterly forlorn, was saved by the genius and heroism of sir William Wallace, of Ellerslie in Renfrewshire. This gallant person, whose exploits will always be fresh in the heart of every man who loves the independence of his own country, began, like most patriotic heroes, to harass the conqueror by petty attacks and nocturnal surprises, which slowly swelled a little band of followers into the basis of an army. No authority at once legal and free could exist in a conquered country. As power could not be regularly conferred on him, necessity warranted him in assuming it. He sometimes professed to act on behalf of Baliol; at another time he covered himself under the name of a few associates, who appeared to continue the regency established in the minority, or to act as the states of the kingdom. The higher nobility profited by his success, and paid court to him in the season of victory; but they were jealous of his fame, and indignant at the presumption with which a man of no distinguished lineage dared to save a country which many of the high-born dastards had betrayed. As far as our scanty information reaches, he seems even to have checked the ferocity of the outlaws and freebooters whose aid he was compelled to employ. During an inroad into England, when the barbarity of the Scots was wont to revel most wantonly, he granted a protection to the monks of Hexham for their lives and possessions.§ "Abide with

* Rymer, ii 695, &c. † Id. 718. 2d July, 1296.

‡ "Iter suum fecit rex per medium Murreff usque Elgin, et noluit ulterius procedere eo quod peccata vidisset omnia." — *Hemingford.*

§ 7 Nov. 1297. Hemingford.

me," said he to them, "for there alone can you be secure; for my people are evil doers, and I cannot punish them." He was defeated at Falkirk in 1298. His adherents mutinied against him, and dispersed themselves. Bruce and Comyn, two of the most potent lords, were, together with the primate, chosen by some sort of tumultuary election to be guardians of Scotland. The jealousy of the nobles, and the unpopularity of a signal reverse, hide Wallace from our search for several years. A truce for two years was concluded by the guardians, under the mediation of France. On the renewal of hostilities, a great victory * was obtained by Fraser and Comyn over the English at Roslyn. In the next year, however, Edward penetrated once more to the northern extremities of Scotland, and completed for a time the reduction of the country. Comyn made his peace by submission. Wallace, Fraser, and Oliphant, were the only Scotchmen who had the honour to be excluded from the brand of amnesty. Sir John Monteith, a Scotch baron of high birth, stooped to perform the base office of pursuing and apprehending the hero, and is charged by tradition with the unspeakable guilt of betraying him to Edward under the disguise of friendship. He who could perform so mean a part as the first in the execution of the law, might, indeed, consider perfidy to a friend as a lawful stratagem in war. When Wallace was arraigned at Westminster, he said, "I never was a traitor to the king of England." He scorned to deny that he had fought for the independence of his country. For that pretended crime he was, like the last of the Welch princes, hanged, drawn, and quartered. But though Edward commanded the outward show of disgrace, he had no power over the heart and conscience of men. Wallace's death was the more glorious, from the ignominy which the impotent rage of the conqueror heaped on a lifeless corse. His name stands brightly forward among the foremost of men, with Vasa, with the two Williams of Orange, with

* Feb. 24. 1302.

Washington, with Kosciusko, with his own more fortunate but less pure successor, Robert Bruce. His spirit survived him in Scotland. The nation, shaken to its deepest foundations by a hero who came into contact with them, and who, conquered by them alone, retained the impulse which his mighty arm had communicated.

Bruce earl of Carrick was roused by the national feeling. In an accidental quarrel, or from a mixture of provocation and premeditation, he slew Comyn, his most powerful rival, in the church of Dumfries, with circumstances characteristic of a barbarous age and country. He was soon after crowned at Scone.* He obtained considerable advantages; but was often compelled to disband his followers and to take refuge in the highlands, in the Hebrides, even in Ireland. The Celtic tribes espoused his cause; he negociated with the Welsh malcontents, and his brother for a time maintained a struggle for the crown of Ireland; the French encouraged him. Among the Scottish Normans, a considerable party, deeply pledged to Edward, influenced by their possessions in England, and despairing of forgiveness from the Scotch, whom they had betrayed, still remained steady to the English monarch. That great prince, incensed at the unconquered spirit of the rebellious Scotch, assembled once more, on 7th July, 1307, a mighty army to render resistance hopeless. But heaven had otherwise decreed. On his march against the Scots he died at Burgh on Sand in Cumberland, leaving behind him the just character of a great statesman and commander, who never did wrong but when it seemed necessary to his greatness; and who ought to be in some measure tried by the maxims of an age which considered the enlargement of dominion as the business of a sovereign; when the insecurity of states seemed so big with evil that nothing done to secure it was deemed unjustifiable, and when a prince who deigned to disguise his strokes of policy under the forms of law had little to fear from their injustice, while he told his own story

* February and March, 1306.

to those who were ignorant of the facts, and were easily persuaded to deem the right undisputed. His regard for legal formalities was a natural part of his character, and a useful restraint on his severities. Lenity towards competitors, and mercy towards dreaded offenders, were then undiscovered virtues. It would have been vain to expect that Edward should not abate an impediment that stood in the way of his ambition. There can be no doubt that he employed his feudal pretension with the deliberate purpose of subduing Scotland as well as Wales. It is scarcely possible that the first pretexts the gradual advances, and the apparently final result, of both these enterprises should have agreed so much, unless they had flowed from the same poisonous fountain. The circumvention of the estates of Scotland at Norham in summer 1291, bears stronger marks of resemblance to the artifices by which the royal family and chief men of Spain were inveigled at Bayonne in 1808, than can often be fairly traced in occurrences so distant in time, which came to pass in conditions of society so unlike. It is in vain that attempts would be made to palliate the modern offences, by suggesting that the French government at the latter period had proofs in their possession of conspiracies and attempts by Spain to violate her treaties with France, and to enter into a confederacy against her ally. This difference may in fact exist; but the only effect of it in reasoning is to drive us to higher principles for justification. A conqueror is a perpetual plotter against the safety of all nations; treaties and alliances, being wholly turned aside from their avowed and only lawful object, are imposed by him only to forward his scheme of reducing his neighbours to thraldom. They are no more than links in the chain which he is winding round the world. Every act by which such compacts are dictated is a crime: when their intention is perfectly manifest, and when there is a reasonable hope of success in the attempt to try them, the observation of them is treachery against the rights of nations. No casuist, however formal, could carry

regard for such compacts farther than the rule which a philosophical moralist applies to promises extorted by private robbers — that though an utter disregard for them might tempt the plunderer to become a murderer, yet it would be unreasonable to be drawn by ties woven by the hand of the freebooter against all the bands of charity and duty which join us to our innocent fellow-men. Treaties no more bind a people to a foreign conqueror, than allegiance is due from them to a domestic oppressor. The exceptions are indeed rare and terrible: but the principles from which they flow are the last hope of the most sacred and inviolable rights of mankind. What glory is not due to those who, like Wallace, are ready, for their country, to commit even their good name to fortune; who for the sake of justice wear the garb of offenders against law, with a full knowledge that nothing but signal success will save them from the reproaches of a posterity as base as their contemporaries?

As it is certain that, from the first establishment of the Saxons, national assemblies have shared the power of legislation with kings, so it already appeared to be very probable that they were thrown into the form of a modern parliament by the struggles which distracted the kingdom under the reigns of John and of his son Henry. At whatever period that important transformation may be best said to commence, considerable latitude must be allowed for its completion throughout every limb and organ of the parliamentary frame. Most of its parts were irregularly and unequally unfolded, some attained their vigour before others, and the growth of some appeared for a time to be checked too rudely for recovery: yet on the whole, the love of liberty, turbulent though it be deemed by many, has so much affinity to law, and so wholesome a jealousy of force, that if mildly treated it composes in the end the disorders of the multitude; and when it thoroughly influences the greater part of the system, pours at length a stream of health and moderate action into limbs palsied by the long inactivity of tyranny, or by its occasional convulsions.

It appears from documents still extant, that about twelve parliaments, of which knights, citizens, and burgesses, were component members, were holden by Edward, who, in spite of his prejudices against De Montfort's innovations, discovered the policy of employing them to render his ambitious projects acceptable to the people, and to involve his nobility in the odium of his political crimes. One was assembled at Shrewsbury to sanction the murder of prince David of Wales. They succeeded each other with unwonted rapidity during the period of his costly and unconscientious enterprises against Scotland. The power of parliament was thus enlarged by this monarch as by his successors, not only to facilitate grants of money, but to share harsh acts of government, and to introduce innovations too daring to be hazarded by the single arm of a wary tyrant. The compliance of parliaments, perhaps as much as their independence, multiplied precedents favourable to their right of interposition in all public affairs.

It is very uncertain when the regular division of two houses occurred. At first it should seem, from the various proportions of a subsidy contributed by different orders, that each of the three estates taxed their order separately. In France the orders appear to have generally acted distinctly from each other. In Sweden and the Tyrol, where there seems to have been a fourth estate of free boors, each was distinct from the others. In Scotland the parliament voted as one body; in which it may be doubted whether the commissioners for shires were not considered, in rank at least, as a species of fourth estate. It was not till the next reign that the knights of the shire began regularly to form one body with the citizens and burgesses, sitting in a separate house from that which was jointly occupied by the spiritual and temporal lords. The circumstances which probably produced this arrangement have already been hinted as much as the limits of an historical compend will allow. The consequences which sprung from it may be numbered among the most important and be-

neficial in the annals of mankind, and are almost equally observable as the decisive example how little remote consequences are placed beyond the reach of human foresight It seems probable that all those who held land by military service from the crown, were distinguished from other freemen; and the charter of John requires them to be summoned to the great council with as much regularity, though not with so stately a courtesy, as the greatest barons. In process of time they were collected into a body which in some measure corresponded with the inferior nobility of the continental countries. The charters, and another ancient statute, by prohibiting guardians from disparaging their wards by wedlock with persons of inferior condition, seem to imply the existence of a body of freemen in England, with whom the military tenants could no more intermarry without degradation than the earls and barons themselves.* But when the burgesses, thus severed as a lower caste by the prohibition of marriage, were long united in the same chamber † with the progenitors of our modern gentry, engaged like them in taxation, and with them deriving power from representation, they received a lustre and vigour from these more exalted associates, which corresponding bodies in no other country had the like means of attaining. The influence of this junction, at first in promoting the power of the commons, and afterwards in contributing to the cautious exercise of that power, as well as in giving a liberal structure and spirit to the whole frame of the community, entitles it to be regarded as a singularly important occurrence. The sons of earls and barons sought an elective seat by the side of those lesser nobility, since called gentry, some of whom had before touched them closely in importance. The highest lord,

* "Lords, who marry those they have in ward to villains or others, as *burgesses*, whereby they are disparaged, shall lose wardship, and the profit shall be converted to the use of the heir for the shame done to him." — *Stat. of Merton*, 20 Hen III. c. vi.

† The knights of shires in Edward I.'s reign, were about 74; the citizens and burgesses about 236. Chester, Durham, and Monmouth, are to be deducted from the county representation. Some others seem occasionally to have had joint or alternate members.

whose wedlock with the daughter of a military tenant was not deemed a disparagement, continued to contract such alliances. On the other hand, the knights must have gradually felt an abatement of their contempt for the industrious classes, whose representatives shared, equally with themselves, the exercise of the highest functions of the state. That co-operation and equality slowly effaced the broad distinction between the two bodies, whose junction raised up a formidable house of commons, receiving dignity from the ties which bound one part of them to its former exclusive possessors, and deriving a spirit and energy from popular elections, which that institution, even in its infancy, could alone bestow. Such a house of commons were strong, not only by their legal power, but by their moral influence. It would have been but little to possess the power of the purse, if their arms had not been strong enough to grasp and to hold it. The third estate in some other countries had the like authority at an earlier period; but being composed solely of the immature and slighted representatives of the industrious interests, they had too low a place in general estimation to wield their privileges with effect. The whole of the class hitherto distinguished, were in the continental countries, inseparably mingled with their own immediate superiors the barons, and kept asunder from the third estate by boundaries of caste as impassable as if the latter body had not been called to any share of political power. If we may use an expression in speaking of the thirteenth century, which is more applicable to later times, the third estate on the continent was without any sprinkling of gentlemen.

It will be afterwards seen that this accession of dignity moderated the policy of the English commons in recent times, as it had in the beginning raised their place in public estimation to the level of their legal privileges.

Its operation on the whole order of society became in the course of centuries still more worthy of attention;

though, as it acted by opinion rather than by law, it was neither easy to trace and measure its unfelt progress, nor in a few words to describe its nature, and to afford clear proof of its insensible but extensive influence. Its source was evidently the parliamentary union of the lesser nobility with the burgesses, which could not fail in due time to produce a correspondent union throughout society. In the reign of Edward II.* the fords between the orders were so passable, that commoners seem to have been called to the peerage. It was not till the time of Henry VI. that the word "gentleman" began to be used in somewhat of that modern sense which distinguishes it legally from a nobleman, and morally from an uneducated plebeian. In the farther stages of the progress heralds and genealogists began to complain of its indiscriminate application, while in their antiquarian pleasantry they represented it as being usurped by every idle and useless upstart.

The principle of birth continued to lie at the foundation of the body of gentry, and lent to every newly-received candidate some portion of a feeling which is so much mingled with the moralities of education, with the means of generosity, and with lasting exemption from grievous and disreputable toil, that, except where it is counteracted by jealousy, it never can fail, with or without the aid of legal privilege, to be an agreeable object of contemplation, whether in our own possession or in that of others. But in the course of ages the body gradually opened their arms to receive among them all men of liberal education and condition. It became a species of voluntary aristocracy, which after some silent trial adopted every man who appeared to be distinguished from the multitude. It was bestowed neither by kings nor laws: and it was only to be withdrawn silently, on strong appearances that the delicacies and refinements of honour, which were imposed when the rank was granted, had been disregarded by some of its possessors. One of its last and most modern results was an unbroken

* Palgrave.

chain of connection extending from the steps of the throne to the lowest limit of liberal education. It would be easy to multiply examples of gentlemen of moderate fortune whose affinities and relationships now spread nearly to the opposite points. Distant as the extremities are, the steps are in the intermediate degrees short, and made without effort. Every accurate observer may easily convince himself how much all the parts of the chain are fastened together by links more in number and strength than would at first be thought probable.

The natural subserviency of this intermixture of interests and attachments to the quiet and harmony of the community, is too obvious to need illustration. Hence it in a great measure came to pass that the fiercest civil dissensions of after-times were not between orders, but between parties, each of whom contained in itself a portion of every order, checking the tendency of each other to extremities, and affording inducements to moderation as well as channels of compromise. Hence perhaps also that extraordinary union of the principles of stability and advancement which has enabled the British constitution to pass unbroken through so vast an extent of time and place; to control an absolute monarchy in India; and, after political separation, to witness its laws and institutions flourishing among the North American democracies. Nothing short of a union of the most seemingly discordant classes, linked together by ties too deep for common observation, could fit it to be a bond of union between the most ancient times of which we have an account, and the most remote futurity which our imagination can anticipate.

From the Norman invasion to the reigns of the Edwards, the assembly since called the house of lords appears to have been composed of barons and prelates, who sat in right of territorial possession holden from the crown, and were more specifically designated by the first great charter as "the greater barons."* After other members had been added to the assembly, the ancient ba-

* Selden, Titles of Honour. Spelm. in voce Baro. Dugdale's Preface.

ronies were distinguished from such addition as baronies by tenure, which, as being descendible to females like estates in fee simple, are commonly called baronies in fee. About the time of the transformation of great or common council into a parliament, the number of these original barons seems to have been about a hundred and fifty.* They appear, at the opening of our authentic history, coëval with the kings, and probably arising from the same usage which was the foundation of the regal authority. Earls do not then seem to have enjoyed any parliamentary rights different from barons. Edward III. created his son, the Black Prince, duke of Cornwall; Richard II. raised his favourite De Vere to the new dignity of marquis of Ireland; the title of viscount was conferred on lord Beaumont by Henry VI. These titular additions, however, copied from France, did not substantially affect the composition or power of the house; all the lay members of which still continued to be equals or peers in parliament.

An essential change in its character arose from the introduction of barons by writ, — notable men who were summoned by the king to aid and advise him in parliament, without any right antecedent to his selection, or independent of it.† These writs of summons to persons not barons appear to have been introduced in the time of John, and resorted to more liberally by Henry III. to strengthen himself against de Montfort and the more powerful lords. Like most constitutional changes, they were little remarked by ancient writers; but they prepared the means of changing the close aristocracy of the barons, which must otherwise have become more close by decay of number, into a body capable of being opened as widely as might be deemed desirable. The writs were at first either never renewed or very irregularly continued.

While this constitution of the house lasted, the king having the power of ceasing to summon the barons by writ, whenever they threatened to be independent, their

* Selden. — Rishanger. † Dugd. vol. ii. Preface. — Selden.

suffrages were necessarily thrown into the hands of the king, who could exclude as well as admit them at will. It was not until the sixteenth century settled that when a man was summoned to parliament, and had taken his seat in consequence, he and his heirs were ennobled. From that moment it became hazardous for the crown to multiply peerages. For though their first possessors might be servile, they could not be insured against the risk of falling to the lot of less practicable successors.

The most modern and usual mode of creating peers is by letters patent under the great seal, constituting the grantee and his heirs male one of the peers or barons of the kingdom; a practice which began in the time of Richard II., of which the first example was in the case of John lord Beauchamp.

The power of ennobling existed also in France. But as the lesser barons were there blended in the same order with the greater, and as all noblemen sat in the states-general only by election, the letters of nobility made small impression on so great a mass, and left the chasm between them and the industrious classes as wide as before. In England the royal prerogative of creating peers broke down the monopoly, and laid open to the prosperous commoner the ascent to nobility; while, on the other hand, as all members of noble families but the chief sunk to the legal level of the people, they carried downward to the body of freemen at every death among peers a reinforcement of influence and dignity.

Among the most important circumstances which united the knights with the burgesses was the perfect resemblance in the mode of their trial for offences. All commoners were tried by a jury of twelve men. The highest knight was subject to this jurisdiction; and the lowest freeman, if not serf, was entitled to its protection. There are scarcely any authentic materials for its early history. It seems most probably to have arisen from the confluence of several causes. Perhaps the first conception of it may have been suggested by the very simple expedient of referring a cause by the county court

to a select committee of their number, who were required to be twelve, for no reason or even cause that has been discovered. In criminal cases it appears, from the laws of the barbarians, that men were acquitted on the testimony of compurgators, who swore that they did not believe the culprit to be guilty. In civil cases, the obvious analogy of arbitrators might have contributed to the adoption of juries. Judges unacquainted with, and incapable of a patient enquiry into facts might find it safer, as it was easier, to trust to a sort of general testimony given by twelve unexceptionable neighbours on the gross merits of the accused individual or of the litigated question. There are many traces in this celebrated institution which indicate that jurors must in some manner have been regarded in the same light with witnesses. Neighbourhood, for instance, which might be dangerous to the impartiality of a judge, is advantageous to the knowledge of a witness. A verdict means a *true saying*, and *jurors* are *sworn* to give a "*true*" verdict. Jurors were liable to punishment for flagrant injustice; and it is still a sort of maxim of legal theory, that they have the very dangerous power of finding a verdict from their own knowledge. A case is preserved in the reign of William the Norman, which has much the appearance of the dawn of trial by jury.* The king commanded the men of the county of Kent to try whether certain lands pertained to the crown, or to the church of Rochester. They affirmed that the land was the king's. Twelve of them were directed to swear to the truth of what they said. They withdrew to consider the matter, and on their return took the oath. But one afterwards confessing that they were intimidated by the sheriff, they were adjudged to be perjured; and on the oaths of twelve other men, "*the best in the county*," the lands were restored to the church.

Here we see an appeal to the neighbourhood—a reference from the county court to twelve men, an attaint of

* Thorp Regis Roffen's, 42.

these jurors for a false verdict, and a proceeding very similar to what is now called a new trial.

The trial by twelve men became so much the most usual form of judicial proceedings, that it was now called the course and order of the common law. The consuetudinary or common law consisted of certain maxims of simple justice, which we are taught by nature to observe and enforce, blended with certain ancient usages, often in themselves convenient and equitable, but chiefly recommended by the necessity of adhering to long and well known rules of conduct. The progress of our common law till the reign of Edward I. bears a strong resemblance to that of Rome. The primitive maxims and customs were applied to all new cases, which appearing similar to them, it was natural and convenient to subject to like rules. Courts in England, private lawyers, juridical writers, and absolute monarchs at Rome, in delivering opinions concerning specific cases, extended the analogy from age to age, until an immense fabric of jurisprudence was at length built on somewhat rude foundations. The legislature itself occasionally interposed, to amend customs, to widen or narrow principles; but these occasional interpositions were no more than petty repairs in a vast building. From the reign of Edward I. we possess the year-books, — annual notes of the cases adjudged by our courts, who exclusively possessed the power of authoritative interpretation, scarcely to be distinguished from the legislation which the tribunals of Rome shared with the imperial ministers and with noted advocates.* In a century after him, elementary treatises, methodical digests, and works on special subjects, were extracted from these materials, by Lyttleton, Fortescue, and Brooke. So conspicuous a station at the head of the authentic history of our uninterrupted jurisprudence has contributed, more than his legislative acts, to procure for Edward the ambitious name of the English Justinian. The science of law, which struggles to combine inflexible rules with trans-

* Edicta Prætoris—Rescripta Principum—Responsa Prudentum.

actions and relations perpetually changing, can obtain no part of its object without the exercise of more ingenuity, and the use of distinctions more subtle, than might be deemed suitable to the regulation of practice. In time the lawyers, who were commonly ecclesiastics, were still farther warped by the excessive refinements of the scholastic philosophy, which had reached its zenith under Aquinas, and seemed to have overshot it in the hands of his disciple and antagonist Duns Scotus. A proneness to uninstructive acuteness, and to distinctions purely verbal, tainted it from the cradle. It is difficult not to admire the logical art with which fact is separated from law, and the whole subject of litigation is reduced to one or a few points on which the decision must hinge. It has been the ancient and unremitted complaint of the most learned lawyers, that it has been overloaded with vain and unprofitable subtleties, which, in the eager pursuit of an ostentatious precision, has plunged it into darkness and confusion. We are now labouring to systematise what the experience of our ancestors has collected, and to unite it with more simplicity and clearness.

The nineteenth century has at length brought us nearly to the same period which the Romans reached at the time of the legislation of Justinian. Our materials are ample, and our skill in reducing them to simplicity and order ought not to yield to that of any former age.

About the commencement of the fourteenth century, the English language had undergone the whole change to which it was doomed by the irruption of Norman words. Many French and Latin words have, indeed, been introduced in later ages — but by learning or pedantry, rather than by the convenience of familiar intercourse between two branches of the same people. Many books perfectly intelligible to us were written before Edward III. Half a century before that great age, we perceive many bright forerunners of its approach. Very shortly after the close of the reign of Edward I. the English language produced one of the earliest accounts

of very remote regions, in Mandeville; the earliest appeals to the people in questions of religion, in Wickliffe; and the second poet of reviving Europe, in Chaucer.

The language was now formed, the constitution had put on its modern outline, and the political and literary progress of the nation has not in five centuries shown any indications of approaching languor or even abated speed.

CHAP. IV.

FROM THE ESTABLISHMENT OF THE CONSTITUTION AND THE LANGUAGE, TO THE WAR BETWEEN THE ROSES.

EDWARD II.

1307—1327.

THE reigns of William the Norman and his sons were the age of conquest: it was followed by the splendid empire of Henry II., by the period of revolutions under John, and finally by the age of formations and establishments, which were resisted by the feeble Henry, and consolidated, in spite of his ambition, by the martial and politic Edward. On his deathbed he enjoined his imbecile son to banish his minion Pierce Gaveston, a handsome youth of Gascogny; and caused him to swear that as soon as he should be dead, the royal body should be boiled in a huge caldron till the flesh should be separated from the bones; that the flesh should then be buried, and the bones carried against the Scots: "for," says an ancient historian, "he believed that as long as his bones should be carried against the Scots, that people never would be victorious."* Nor is it altogether incredible that the fierce rancour of undying ambition should anticipate a gratification after death, by embodying itself in a malignant prophecy which might delude even the sagacious monarch amidst the rage of a mortal agony. Edward II. disregarded his father's injunctions, not because he was above ambition,

* Froissart.

but because he was below it. He withdrew his army ingloriously from Scotland; but it was to throw himself into the arms of his favourite, on whom he lavished the hoards which his father had amassed, if not for more innocent, at least for less ignominious, purposes. Gaveston received the king's niece in marriage, was raised to the royal dignity of earl of Cornwall, loaded with manors in every part of the country, and made warden of England when the monarch himself went to solemnise his nuptials with the princess Isabella of France, celebrated among the most beautiful women of that age. The barons forced the king to consent more than once to his banishment: but the minion always found means to return. Buffoonery, sarcasm, personal ridicule, are among the most successful of those arts by which sycophants soothe the ears of the powerful, and they were liberally employed by the Gascon for the malicious amusement of the king. After four years of disgraceful contest (1311) the barons extorted a reformation of abuses from Edward in full parliament. The king's gifts to his minions were recalled; Gaveston was banished on pain of death in case of return; the king was not to leave the kingdom or make war without consent of the baronage, who were to choose the guardian in the royal absence; it was decreed that all the great officers of the crown and the governors of foreign possessions should be named by the advice and assent of the baronage in parliament. These last provisions, though clothed in more discourteous language than that which is becoming as well as politic in milder times, cover the important principle that the previous confidence of the representatives of the people is required to render the choice of public officers agreeable to the constitution. The great charter was once more confirmed, and a new provision was added, so important, and so often misunderstood, that it has been deemed fit to print it in this place:—"Forasmuch as many people be aggrieved by the king's ministers against right, in respect to which grievances no one can recover without a common parliament; we do ordain that the king shall

hold a parliament once in the year, or twice if need be."* It is manifest from the nature of the grievance, as well as from the express words of the enactment, that this statute provides for the meeting of a parliament, and not for its election or duration, which never were regulated by statute till the triennial acts of 1642 and 1691. It is, however, true, that as the parliaments of that age quickly despatched their simple business, prorogation was infrequent, and parliament was, in the majority of cases, elected as often as it was assembled.

Gaveston returned in defiance of this formidable proscription: he was taken prisoner on capitulation by the barons, and was committed to the custody of the earl of Warwick, whom in moments of servile buffoonery he used to call "the Black Dog of Arden." A council was held at Warwick castle to deliberate on his fate. A voice decided it: "You have caught the fox; if you let him go, you will have to hunt him again," said one whose name has not descended to us. The barons disregarded the capitulation. The minion was hurried to death, and beheaded at Blacklow hill, within a short distance of Warwick.† Feeble tyrants are as remarkable for the levity with which they finally sacrifice their parasites, as for the infatuation with which they at first put themselves into the hands of a minion.

It is not to be dissembled that the barons treated their contest with the favourites as a struggle which of the two parties should govern a king, incapable of governing others, or indeed himself. His incapacity was at length avowed as a ground of deposition: nor can it be denied that many of the confederacies to regulate the exercise of prerogative, however justifiable originally either by necessity or inexperience, became, in the riper years of the constitution, liable to the charge of being turned into tools of personal aggrandisement.

Edward concluded a peace with the barons. In 1314 he invaded Scotland, and on the 24th day of June he fought a battle at Bannockburn, near Stirling, in which

* 5 E. II. c. 29. Stat. of the Realm, i. 165 † June 19. 1312.

he escaped by a flight of sixty miles in a day, and his puissant army was utterly scattered. Undisciplined armies disobey unfortunate officers; they are liable to extravagant panics, and the short period of their usual services in the middle age familiarised them to dispersion: hence the astonishing vicissitudes of fortune which chequer barbaric wars. The Scots made an ineffectual attempt to seat Edward Bruce, the king's brother, on the throne of Ireland. At last England was compelled to conclude a truce for twelve years with Robert Bruce as king of Scotland; and that great man amply atoned for the fluctuations of his youth, by a reign as justly celebrated for wise policy as his early life was adorned by heroic valour. He lived to sign a peace, in which it was stipulated "that Scotland should remain to Robert king of Scots, and his heirs and successors, free and divided from England, without any subjection or right of service."*

Hugh Le Despencer the younger, whose father, a baron descended from the Conqueror's steward, had been in high trust under Edward I., succeeded to the favour which the Gascon adventurer had enjoyed at court. Thomas earl of Lancaster, the grandson of Henry III., was the leader of the barons, seconded by Roger Mortimer, the powerful chief of the Welsh marches, and secretly favoured by the queen, who had seen with indignation the insensibility of Edward to her charms, and the over-ruling influence of so ignoble a competitor as Gaveston.† The baronial party took arms against the new favourite: they compelled the king to banish his favourite, together with Le Despencer the elder, who appears to have been guilty only of being the favourite's father. In the following year Edward's party obtained a signal victory at Boroughbridge. The earl of Lancaster, the Montfort of this reign‡, was made

* 1328.

† "This king Edward the Second was married to Isabel, daughter of Philip Le Beau king of France, who was one of the fairest ladies of the world." — *Berner's Froissart*, c. iv.

‡ Lancaster was canonised in 1389.

prisoner, and in a few days led to his own castle of Pomfret, where he was shortly after beheaded, as an offering to the memory of Gaveston, in whose death he was believed to have had a share.

From the official account of the battle of Boroughbridge recently published by Mr. Palgrave *, it appears that out of 214 knights arrayed against the king, one great baron, five knights, and three esquires, were killed; that the earl of Lancaster was beheaded, and fourteen bannerets were hanged, drawn, and quartered; that of the eighty-six knights bachelors, fourteen suffered the same punishment, one knight was beheaded; that six surrendered, and eight had fled beyond the seas. The Mortimers were condemned to perpetual imprisonment, and many of the rest to punishments so moderate as to show that the wise and legal policy of Edward I. had not been forgotten by the elder Spencer.

It is very probable that the barons had a secret understanding with Robert Bruce, who was himself one of their number; nor is it improbable that they had, through the queen, entered into measures with the king of France: but their defeat constituted their crime. It was not till this period that the elder Le Despencer, banished on account of his son, took a part in that son's revenge. The attainders of the family were reversed in a parliament at York, and the property of the attainted barons lavished on the son.

The remaining part of this unhappy reign is clouded by doubt almost as much as by calamity. The charges against the Le Despencers seem to render it reasonable to be doubtful whether their fault did not consist chiefly in their favour, or was at any rate greater than the assumption of that ascendant which must be exercised by some one over a feeble prince. The conduct of queen Isabella, though it cannot be justified on any supposition, will be aggravated or extenuated by the judgment which the reader may form on charges made by ancient writers

* Palgrave Chronol. Abstract, E. ii. p. 313. from the collection of the right honourable Charles Williams Wynne.

against Edward, to which nothing but historical justice could warrant an allusion.* The very prevalence of such rumours were enough to produce alienation and disgust in a youthful beauty, long before the appearance of those feelings could be justly ascribed to deep design or criminal animosity.

As Isabella had early murmured at the favour of Gaveston, so she complained, whether sincerely or not, of harshness from the Spencers, and appears to have had hitherto no political connection but with the unfortunate earl of Lancaster, of whose followers Roger de Mortimer was the surviving chief. Undoubtedly, however, she sought an escape from her husband. The court of her brother at Paris was her natural refuge. In the course of various disputes between the two courts, that monarch required homage and fealty for Guïenne, which Edward declined or evaded. A rupture between England and France was the consequence. Mortimer escaped from the Tower, where he had been confined since the battle of Boroughbridge, and joined the English malecontents at the court of France. Roger Mortimer lord Wigmore being confined in a high and narrow turret with his uncle and several of their noble adherents, effected his flight in a singular manner, and was said to have administered a soporific draught to Seagrave constable of the Tower, and to many of the garrison. He broke through a wall to a kitchen of the neighbouring palace, and, being supplied with a ladder of ropes, he climbed by the chimney to the top and passed two sentinels without alarm. With difficulty he escaped observation till he reached the Thames, where he found a slight wherry by which he crossed the river, and hastened to the coast, when he easily procured a passage to France. "There he long remained," says a contemporary writer, "expecting a reconciliation with the king." Roger, his uncle, worn down by the horrors of a five years' jail, expired at the end of that rigorous imprisonment. Seagrave was prosecuted for the escape;

* Froissart, c. 17.—Hemingford, lib. iii. c. 13.

but it appearing that he was duped by a valet who had administered the opiate, he suffered no other punishment than the forfeiture of his lands and tenements.* His trial before the king's council bears a certain likeness to a modern impeachment. Meanwhile the ministers, the Spensers, and Baldock the chancellor, under pretence of the necessities of war, seized on the revenues of Cornwall which had been granted to Isabella. In the next year the king was persuaded, by suggestions from Paris, to send her to France to negociate a peace with her brother. She concluded a treaty so humiliating for Edward, that he seemed to be the only man in the kingdom willing to ratify it. The French government insinuated that the terms of this compact might be rendered milder, and therefore more durable, by a grant from Edward of his French territories to Edward prince of Wales, then in the 13th year of his age, who, with less loss of dignity than his father might do homage for these still considerable dominions. This project was eagerly adopted. Edward shrunk from prolonged war. The Spencer administration was too unpopular needlessly to risk it. Charles of Valois probably expected influence over the young duke of Guïenne, or rather an easy conquest of that long coveted province. Isabella, perhaps, expected to reign at Bordeaux under the name of her son; and she might hope to grant a safe asylum to the emigrants, or even to obtain her brother's aid against the Spencers, whom she considered, or at least represented, as having obtained her husband's consent to make away with her and her son.† It is hard to determine whether the truth or falsehood of her allegations be most agreeable to the manners of the age in which she lived. She was, however, desirous of remaining abroad. Whether she had then entertained a passion for Mortimer must also remain for ever doubtful; for their apparent intimacy was the inevitable result of their political connection. There is nothing, however, in the known morality of princesses in any age which can exempt an alienated

* Blandeford apud Palgrave, 362. † Walsingham.

and enraged queen from the suspicion of seeking consolation in amours.

The queen, after having affianced her son to Philippa of Hainault, landed with a small force at Orwell in Suffolk, on the 22d of September, 1326, where they were joined by the most potent barons, and welcomed with general applause.* In vain the king offered a reward of a thousand pounds for the head of Mortimer. He was deserted by all: even his brother the earl of Kent joined the queen. Attended only by young Spencer and Baldock he flew into the west for short refuge. The queen's army reduced Bristol; and the elder Spencer, then of the age of ninety, the governor of that city, was hanged, by her command, before the castle of Bristol, and within sight of the king and of sir Hugh Spencer the younger. Stapleton bishop of Exeter, to whom London was entrusted, was dragged by the citizens into Cheapside, and torn to pieces, with those outrages to his remains which often aggravate popular excesses. The king, attended only by young Spencer and Baldock, made his escape from the castle of Bristol, with the hope of refuge in the inaccessible isle of Lundy. But there was no longer any asylum for the wretched prince in his late dominions. The little vessel, after beating about for eleven days, found means to land him in Glamorganshire, the lordship of the younger Spencer, where he spent a short time. The prelates and barons of the queen's party, assembled at Bristol, meanwhile declared, that as the king, accompanied by Hugh Spencer the younger, Robert Baldock, and other enemies of the kingdom, had, on the 26th day of October, withdrawn from the realm, and thereby left it without a government, the lords there met had with one voice chosen Edward duke of Aquitaine to be guardian of the kingdom, and that the said duke should, in his father's name and on his behalf, rule and govern the realm during the king's absence†: and that, on the 20th of

* "Omnes fere majores regni occurrerunt eis læti in auxilium propter odium in consiliaros regis. — *Knighton.*

† Rym. ii. Pars i. 646.

November following, the said public enemies being taken, and the king having returned to his kingdom had consented, after some deliberation, to surrender the great seal to queen Isabella and the duke of Aquitaine to provide for the good government of the monarchy. In the interval, the king, after a vain effort to raise an army in South Wales, was obliged to send envoys, or rather messengers, to implore mercy from Isabella and her son. We trace his footsteps in captivity by writs bearing date at Ledbury on the 30th of November, and at Kenilworth on the 5th of December; for it was still thought convenient to use his hand for such purposes.

Spencer the younger held out the castle of Caerphilly, but was, in no long time, made prisoner and brought to a sort of trial at Hereford, where the queen "then kept the festival of All Saints with much royalty." * He was charged with returning to the kingdom after he had been banished in parliament; with having caused the earl of Lancaster and the most illustrious of the nobility at Pomfret castle to be put to death; with having favoured the king of Scots, and occasioned the defeat of Bannockburn; with having excited differences between the king and queen, and by bribes procured her being sent out of France. Most of these accusations were common railing, some incredible, others inconsistent with each other; and cruelties in civil war ought to have been punished by a tribunal more innocent of such atrocities than his conquerors. It is, however, probable, from the universal testimony of historians, that if his judges had been at leisure for such enquiries, they would have found acts of illegal oppression which would have warranted their judgment.

On the 1st of January, 1327, when the parliament assembled at Guildhall, under a prorogation which Edward was made to direct at Ledbury in October, their first act had been to swear to defend the queen and the duke of Aquitaine against sir Hugh le Despenser, Robert Baldock, and their adherents. The king continued at

* Dugd. Baron. i. 395.

Kenilworth during the whole month; and it was reported to parliament, by a committee who professed to have had an audience of him, that he had declined to comply with the petition of that assembly, that he would be graciously pleased to return to his capital to confer with the three estates on the arduous affairs of the realm. * The parliament appear not to have regarded the king as deposed till the 24th or 25th of January, when they resolved that Edward the king's son should be crowned, because the king was incapable of government, and had always been misled by evil counsellors; because by his cruelty and cowardice he had done all that in him lay to ruin his country, and was notoriously incorrigible and incapable of amendment. Three bishops, two earls, two barons, two abbots, and two justices, and (as some add) knights, citizens, and burgesses ‡, were sent to announce this determination to the imprisoned king. William Trussell, as speaker of the whole parliament, appeared at the head of the deputation, and addressed Edward in these words:—"I William Trussell, on behalf of the whole people of England, and authorised by the parliament, do hereby withdraw the fealty and homage sworn to you. I no longer am bound in faith to you, and I deprive you of all royal power and dignity. We claim and hold nothing from you as king; and in all time to come declare you to be a mere private person." ‡

EDWARD III.

1327—1377.

UNDER this fair semblance of popular principles and parliamentary order, crimes of a black and base sort were meditated, which have justly disposed posterity to disregard the forms of liberty under colour of which

* Palgrave, Chronol. Abst. E. ii. 457. † Walsingham.
‡ Fœd. i. Pars i. 650.

they were perpetrated. No expedient had yet been suggested for reconciling an inviolable king with an accountable government. The terrible revenge of victors in civil wars was generally most signalised by the monarch, who began to be intoxicated by dreams of the divine origin of his authority. Any mode of death, however barbarous and agonising, was inflicted on a vanquished king, which, by leaving no outward marks of violence, gave the regicides more reasonable hopes of impunity in all the changes and chances of political affairs.

Edward II. remained at Kenilworth during the spring of 1327; probably with some suitable degree of regal dignity, though that noble residence was then far from the magnificence which it afterwards attained. He intreated Isabella to return to his society; on all suppositions a most singular request, and, whatever degree of blame she had incurred, almost equally sure of rejection. He was then committed to the custody of Gournay and Maltravers, sufferers in the cause of the earl of Lancaster, and not likely to be scrupulous in the means of avenging his death. They are said to have first tried the effect of irritation and insult in breaking his heart or turning his head; but ignorant as they were, they must have known that such a mode of murder was the most uncertain and the most liable to interruption of any that could be devised. If they were brutal, it was more from nature, and prejudice and revenge, than as the means of destruction. He was carried about to Corfe, Bristol, and Berkeley castles, as if Mortimer or Isabella had not entirely vanquished the fears, if they had no compunctions, with which they contemplated his fate. On the night of the 20th of September, 1327, he is said to have been murdered by his ruthless keepers at Berkeley castle, which still continues, perhaps, the finest specimen of the smaller castellated architecture, and where the apartment, with its original furniture, believed to be the scene of the assassination, may yet be seen. It has ever since been believed that the assassins introduced a red-hot iron into his bowels through a

pipe, which prevented any external signs appearing to betray the dreadful agonies which they had inflicted. By a benevolent establishment of nature, these modes of death are often more terrible to those who see or hear of them than painful to the sufferers, who are commonly more rapidly relieved by death than entered into the contemplation of the murderer. He was buried in the abbey church of Gloucester, without any tribute of pity or regret from the people, whose unrelenting indifference to such a fall and to royal sufferings so dreadful cannot be disregarded in the estimate of his character.*

Edward was only fourteen when "his peace was proclaimed at Westminster," in consequence, as it was said, of the voluntary abdication or self-exclusion of his father.† Isabella and Mortimer reigned under his name. Their connection had doubtless made more advances towards illicit intimacy; the leader of the victorious insurgents became rather the master than the counsellor of the frail princess, and the union between them was cemented by those common interests and dangers which had led both parties beyond the limits of safe separation. Isabella was now too much in the power of Mortimer not to connive at his deeds, and therefore justly to incur a large share of their obloquy. An open assumption of regal authority mortified the vanity of those barons whose ambition might have been easily lulled by more decent pretexts. The administration, which continued about four years, became unpopular by their concessions to the Scots, and by the renunciation of superiority over that kingdom, which were really commendable acts of moderation. How far the licentious manners of the queen and her paramour rendered their government more generally unacceptable, may perhaps be doubted, in an age

* Warrant for payment of two hundred pounds to T. de Berkeley and John Mautravers for the expenses of "the lord Edward, late king of England, our father." July 5. 1327.—*Fœdera*, ii. 708. *new edition.* Grant to the abbot and monastery of St. Peter at Gloucester for the expense in the burial of the late king and for masses to be celebrated by him. February 28. 1328.—*Rym.* ii. 729. Pardon of John de Mautravers of all offences against the peace of the late king 14th of April, 1329.—*Rymer*, ii. 760.

† "Le Sire Edward n'adgi roi d'Ingleterre, s'en est *ouste* del governement." Jan. 24. 1327.—*Rymer*, ii. 684.

when such vices must have been scarcely known to an ignorant people, and could not be sincerely blamed by a profligate nobility. Henry earl of Lancaster, the nephew of Edward I., together with Edmund earl of Kent, and Thomas of Brotherton, earl marshal, the king's uncles, began to betray an indignation against the encroaching spirit of Mortimer, which had slumbered during the perpetration of that chieftain's crimes.* These three princes, who had been nominated members of the regency established during the minority, saw their power reduced to vain formality by the dictatorship of Isabella and Mortimer. Lancaster was with difficulty prevented from striking a blow against Mortimer, now raised to the dignity of earl of March. Edmund of Woodstock and Thomas of Brotherton, alarmed at the sound of approaching war, made their peace with Mortimer. Lancaster was obliged to be satisfied with a vague promise of redress of his wrongs in parliament. The earl of Kent, who had with equal levity espoused and deserted the cause of the barons, deceived by a report that his brother Edward II. was still alive, wrote a letter to that prince, which the governor of Corfe castle, who had undertaken to deliver it immediately, betrayed into the hands of the earl of March. He without delay assembled a parliament, to which he inveigled the young prince, who was convicted of treason on the 16th of March, and executed on the 19th of March, 1330. Tales of the escape of princes thought to be murdered have always been greedily swallowed when a nation, uninformed respecting all facts, is prone to receive all rumours. The destruction of Kent was probably intended to show that there was no one too high to be struck down by Mortimer. But the spring was strained beyond its strength, and the earl of March fell a victim to his daring experiment. A parliament was holden at Nottingham, to which the queen and Mortimer repaired with guards both for state and safety. They occupied the castle, of which he himself received

* Dugdale, i. 778.

the keys every evening after the gates were shut. The enemies of Mortimer, however, who professed to deliver the young king from bondage, found means to gain admission by a subterranean passage into the fortress, and presenting themselves at midnight to the culprits, brought Roger de Mortimer prisoner to London, where he was impeached for having "*accroached*" or assumed the royal authority, which the parliament had committed to ten lay lords and four prelates; that he had placed and displaced ministers at his pleasure, and set John Wyard to be a spy on all the words and acts of the king; for having removed the late king, for whom the estates of the realm had provided a princely retirement in the castle of Kenilworth to Berkeley castle, where Mortimer caused that royal person to be traitorously murdered; for having inveigled, by false rumours of the death of the murdered monarch, the young earl of Kent into a pretended treason, for which, by his usurpations of regal authority, he procured the parliament of Winchester to put to death that unfortunate prince. The lords found these articles of impeachment, especially those relating to the assassination of Edward II., to be "notoriously true, and known to them and all the people," which seem to purport that their judgment proceeded on common notoriety without the testimony of witnesses. *

This potent baron was executed at London on the 29th of November. It is said, in the rolls of a subsequent parliament, "that he had acknowledged his share in the murder of the king before his own execution." A very vague statement, which seems chiefly

* The most exact account of the articles against Mortimer, in which the crimes are in most instances charged as encroachments by treacherous usurpation of regal power, is to be found in the Rolls of Parliament, ii. 5. &c. Knighton is less exact. It deserves attention that Mautravers, one of the regicides, was condemned and executed for having misled Edmund of Woodstock by false reports of the late king's life, whom "Mautravers knew to be alive." Ibid. Parliament Courtney, the other, was surrendered in Spain to messengers who had instructions of suspicious and alarming import in case of any risk of escape or rescue. Rymer, iii. part 2. p. 840. Nov. 1331. In the next year it appears that Courtney was then alive, "who fully knew how the king's murder was committed." No man was executed for this crime, which renders it difficult to suppose a suspicion that some persons to whom silence on this subject was convenient still retained their influence on the councils of Edward.

valuable as a strong presumption that no witnesses were produced against Mortimer. The historical evidence, however, against Mortimer chiefly depends on the improbability that the murder should then have been committed without his command or consent, without the privity of others, and without being really notorious in the space of five years. His criminality and that of Isabella, even if the latter was suspected of being no more than connivance, throws the darkest shade over their former conduct. The allotment of a due share of guilt to each party becomes one of the most arduous duties of an historian, especially relating to an age when the evidence is so scanty, and where the depravity is so general that he is little helped by a comparative estimate of character.

The queen mother was saved from death only by a regard to royal blood. She was adjudged to have forfeited her lands. She remained under a respectful custody at Risings for the remaining twenty-seven years of her life, with no other appendage of her station than a yearly visit of ceremony from her son.

The six years which succeeded the bitter produce of minority and civil war, were chiefly occupied by Edward in an attempt to restore the house of Baliol to the throne of Scotland, and to re-establish the vassalage of that monarchy. In spite of the long minority and degenerate feebleness of David Bruce, the Scots preserved their national existence; an event which was scarcely possible, had not the power of Edward been diverted from Scotland to more vast and alluring objects of ambition. On the extinction of the male descendants of Philip the Fair, the crown of France became the object of contest between Edward the son of Philip's daughter Isabella, and Philip of Valois the son of the brother of Philip. The question between them was, whether the crown was descendible only through males, or whether it might be claimed by the nearest male, although his descent was by females. No female had reigned in France since the invasion of Clovis. But no regular order of succession was esta-

blished. The open usurpations of Pepin and Hugh Capet were greater breaches of the hereditary principle, than a pretension to the crown by a male through a female. A passage from the laws of the Salian franks, relating manifestly to private land, was cited as a fundamental law against female succession. Reason was appealed to by Edward, as excluding females themselves on account of the supposed weakness of the sex, which had no reference to their male descendants; and by Philip, as pronouncing the exclusion for the purpose of protecting the kingdom from alien sovereigns or a foreign ascendency. It was impossible to decide the question on grounds of law; the laws of that and of more improved ages have made no provision for cases of at least equal importance: defects which lawyers have often vainly toiled to hide under the disguise of faint analogies and cumbrous fictions.

The most formidable objection to Edward's claim was that, on his own principles, the last three kings of France were usurpers, or at least that the male descendants of their daughters had a preferable pretension to him. The son of the count d'Evreux, who married the daughter of Louis X., and became afterwards in her right king of Navarre, seems to be the candidate of best pretensions, according to the doctrine maintained by the king of England. But it would be needless to devise arguments, at best very doubtful, on a question which was to be determined by other weapons.

Edward gained time for preparation by doing homage to Philip for the duchy of Guienne; an act which, for what reason does not appear, he did not consider as a recognition of Philip's title. The kind reception of the unfortunate David Bruce in France, and the aid furnished to his followers, incensed Edward against the French monarch. A powerful ally arose in the Netherlands. Robert of Artois, the son of the last count's only son, was excluded from the government on that prince's death, as more distant in blood than his aunt Matilda, who for some time ruled the county; but on her demise

he seized on it; and though deprived of it by Philip V., who had wedded Matilda's daughter, sued for a revision of this determination before his brother-in-law Philip of Valois. In this suit he produced in evidence writings which the court held to be forgeries. The fabricators were executed, and Robert flew to England, where he laboured to excite the hopes of Edward, and to extract from the ambition of that monarch the means of gratifying his own revenge against Philip. France was surrounded by a number of secondary princes, always engaged in territorial or feudal litigation with France, and easily moved by their fears or resentment to take up arms against that great and growing power. The emperor, the dukes of Brabant and Guelderland, the archbishop of Cologne, the marquis of Juliers, the counts of Hainault and Namur *, espoused the cause of Edward. James Von Artaveldt, the famous brewer of Ghent, and who, as the leader of the democratical party in the prosperous cities of Flanders, had a greater share than the earl in the government of that flourishing province; and "to speak properly," says Froissart; "there never was in Flanders, nor in none other country, prince, duke, nor other, that ruled a country so peaceably and so long as d'Artaveldt." As these great cities formed the emporium of western Europe, as they continued into it the trade of the Italian republics brought to them by the Rhine, they were naturally led by a similar progress of wealth and cultivation of intelligence to the establishment of governments, often rudely and irregularly, sometimes inconveniently, popular; but of which the happy effects on the spirit of the people, the industry of the towns, and the agricultural prosperity of the country, sufficiently attest their immeasurable superiority to the best of unbounded monarchies or unmixed oligarchy. Like the republics of Greece and Italy, they were exposed to the occasional risk of arbitrary rule in the persons of men who having risen to extensive and ill-defined power by the blind favour of the multitude, gradually procured new author-

* Froissart, xxv.

ities and additional means of execution, until they were at length enabled to govern dictatorially, by the unscrupulous employment of force against their opponents, by the seasonable excitement of jealousy, by skilful court to the passions of the multitude, and by promptly crushing those malcontents in the conquering party who were fewer or more fearful, or more irreconcileable with each other. The most celebrated of these adventurers, though it should seem one of the best of them, was James von Artaveldt, who now received Edward's ambassadors with open arms, agreed to admit that prince into Flanders, which opened the entrance for him into France. The king of France was the natural enemy of the democratic party, and the main stay of the earls and barons among the Flemings. To Edward, therefore, the cities looked as a counterpoise to the power of their dangerous neighbour. It was at the solicitation of Von Artaveldt that Edward assumed the title of king of France, as a pledge of inflexible steadiness in his undertaking.

Edward embarked for the Netherlands on the 16th of July, 1338. He landed at Antwerp clothed with new dignity, perhaps armed with additional power, by the quality of vicar-general of the empire, which had been conferred on him by the emperor. On his arrival he instantly revoked the powers which he had been persuaded by the pacific counsel of the pope to grant, of treating with Philip of Valois as king of France. Though the parliament seem to have been as much intoxicated by ambition as the king, and had strengthened his hands by prodigal supplies, it was about the middle of September, 1339, before he reached the confines of France, where, because his vicarial authority ceased, the earls of Hainault and Namur refused to advance, which reduced his numbers to 17,000 men. The campaign passed without any important action. The second was distinguished by a victory gained by the English fleet over that of France off Sluys on the 22d of June, 1340, in which, though the battle was fought on the sea, it could scarcely be called maritime; for little depended

on the accidents of the winds and waves, or on the skill of a commander in availing himself of them. Piles of stones on the deck formed a part of the magazines. The archers of both nations used their cross-bows as if they had been on land. They employed grappling-irons for boarding, and came to such close quarters as to exhibit a succession of single combats. The victory was complete, and as important as a naval engagement in the enemies' own seas could then be.

That some nautical knowledge began to be exerted at this time in maritime conflicts is probable, from the first mention of the names of captains and ships which appear in some narratives of the battle of Sluys. Knowledge was not yet attended by humanity; for two French admirals, sir Nicholas Buchet and sir Hugh Queret, were "hanged upon the sails of their ships." *

After this victory, to which Edward contributed by valour and blood, he challenged Philip to single combat, which that monarch eluded, by declining to receive a letter not addressed to the king of France. The war languished, and was more than once interrupted by a truce concluded under the mediation, and sometimes at the suggestion, of the pope. Flanders, and especially Ghent, constituted the continental strength of the king of England, who authorised his ambassadors to treat "with the nobles, captains, burgomasters, &c. of *the good towns* and country of Flanders." † He treated for them with Philip, as the latter did for his ally Edward Baliol in Scotland. The pope's pacific policy was becoming and praiseworthy; and he was treated with due respect by the English monarch, whose jealous regard for the independence of his crown was, however, not for a moment relaxed by these parental negociations.

In spite of the failure of the first two campaigns, Edward found a new road into France, by a disputed succession in the duchy of Britany between John earl of Montfort, the surviving son of the late duke, who was

* Fabian, A. 1340. † Rymer, ii. 1227.

the male heir, and Charles count of Blois, who claimed the country in right of his wife Jane, the undisputed heiress, if female succession were allowed. The king of France or his peers determined the right to be in Charles of Blois, the nephew of Philip. A French army put him in possession of the capital. Edward espoused the cause of him who was the enemy of the house of Valois.

Jane, a princess of Flanders, sustained the sinking fortunes of her husband Montfort "with the courage of a man and the heart of a lion." * Montfort was betrayed by a band of malcontent lords into the hands of his competitor; but the heroic countess sought succour from England, exhibited her infant son to the people to confirm their attachment to the male line of their princes, and by her eloquence and beauty made a deep impression on the multitude, whose first movements are seldom ungenerous. After a gallant defence, she was on the eve of surrendering the castle of Hennebon, when, mounting its highest turret for the last chance of a view of her deliverers, and descrying a squadron in the horizon, she called out "The English!—I see the English!" she was relieved by a force under sir Walter Manny, an officer afterwards of great celebrity in the French wars. A truce was concluded for near four years, of which one of the stipulations was the release of Montfort. That condition was, however, evaded; and it was not till three years after that Montfort escaped from the Louvre, and flying to England, did homage to Edward as king of England. † He soon after died in his well-defended fortress of Hennebon.

Edward had early regarded the truce as violated by his adversary, and published a manifesto not wanting in plausibility, in which he set forth his wrongs, and laboured to bestow a colour of right on ambition. ‡ In Flanders, though he treated with the "good towns" as free states,

* Berner's Froissart. † May 20. 1345. Rym. iii. 59.
‡ March 15. 1344. Rym. iii. 72.

yet he called in aid his own formal authority as king of France, and therefore lord paramount of the province. The attachment of the earl of Flanders to the house of Valois now threw a stronger light upon the confusion of Edward's claim. An attempt was therefore made to persuade the good towns to depose the earl, whom they had long set at naught, and to bestow Flanders on Edward prince of Wales. In a council holden on board the Catharine, in the harbour of Sluys, about midsummer, the king, seconded by D'Artaveldt, represented the regularity and spirit likely to be bestowed on their proceedings by a measure equally bold and prudent. But the grave burgomasters, tenacious of form even when they sacrificed substance, and jealous, probably, of the potent demagogue, shrunk from a proposal to throw away the scabbard, and desired time to consult their constituents of the three powerful towns. Bruges and Ypres adhered to D'Artaveldt, and assented to the proposition of their royal ally. At Ghent the populace were suddenly prejudiced against their leader. As he entered that city, the multitude flocked round him without their wonted acclamations. "He saw such as were wont to make reverence to him turn their backs towards him. He began to doubt; and as soon as he alighted he closed fast his gates, doors, and windows: scarcely was this done when the street was full of men, especially of the smaller handicrafts. He slew many; but at length went to a window with great humility, saying, with fair words, 'What aileth you?' They cried, 'We will have an account of the great treasure of Flanders, which you have sent to England.' He wept, and promised an account if he were allowed time to make it. The impatient anger of the multitude cried out for an instant account. In vain did he remind them truly, 'I governed you in peace and rest. In the time of my governing ye have had all things as ye could wish,—corn, money, and all other merchandise.' He drew in his head, and tried to steal out through a back door into an adjoining church. Four hundred men got into the house,

and pursuing him, slew him without mercy ere he could gain the sanctuary."* All the Flemish towns but Ghent sent deputies to England to beseech the king to look over this furious act of the populace; and he was at length compelled to connive at the impunity of the assassination of his most powerful and unshaken ally. He desisted from claiming a formal cession of Flanders, of which the people probably dreaded so mighty a sovereign. "He was finally content with the Flemings, and they with him; and so, by little and little, the death of D'Artaveldt was forgotten."

The king of England at length collected a greater army than on former expeditions, which was disembarked near Cape la Hogue, in the end of July 1346.† They speedily reduced Caen and Lower Normandy, on the south of the Seine. Edward marched along the left bank of the river towards Paris, burnt St. Germains and St. Cloud, and insulted by a few of his light troops the suburbs of the capital. Philip, who had fixed his head-quarters at St. Denis, broke down all the bridges to prevent Edward from joining the 60,000 Flemings who had crossed the northern frontiers. Meantime the English army so deceived the French by a feint march towards Paris, that Philip sent the larger part of his troops to the relief of his capital; so that Edward's bowmen cleared the remains of the bridge of Poissy, which was capable of being so far repaired that the English, rapidly wheeling round, were able to pass it before Philip discovered the stratagem. The king of France appears then to have resolved on defending the line of the Somme, on which his opponents had vainly attempted to force the bridges of St. Remi, Long, and Pecquigny.

Philip, who had encamped at Amiens with 100,000 men, took advantage of the checks received by the English to take possession of Airaines, which they had evacuated two hours before; having pursued their way

* Bern Froissart, cxv.

† Windsor, August 3. 1346. "De Eventibus post application apud Hogge, prosperis publicandis. Rymer, iii. 88.

to Oisemont, where they found themselves cooped up between the sea, the Somme, and the French army far more numerous than their own. At midnight, on the 24th of August, 1346, they found means, with great difficulty and danger, to cross the ford of Blanchetaque, which was passable at low water. An action was fought in the centre of the river between Edward's vanguard and the troops who, under Godamar du Fay, were appointed to defend the pass. The latter was defeated, and routed with a loss of 2000 men; only a few French stragglers remained on the left bank to join Philip; and Edward took possession of Crôtoi, a village on the sea coast to the right.

Philip waited a day at Abbeville for reinforcements. This day was employed by Edward in refreshing his troops and surveying the ground. He was now master of his own place and time for the fight, and he chose his position at Crecy, a small town on the road to Hesdin. The battle of Crecy, which is still memorable after the lapse of ages, was fought on Saturday the 26th of August, 1346. Edward posted his main body on the ascent of the rising ground, under his heroic son, then a stripling of fifteen years of age: a separate body covered the prince's left: the king was at the head of the reserve, which occupied the bridge. He superintended in person the refreshment and repose. Philip arrived on the ground before noon, after a long march from Abbeville, and in spite of the counsel of his wary veterans attacked the enemy with an army wearied and confused by their disorderly advance. The Genoese archers, fatigued by their heavy cross-bows, in a sultry and tempestuous march, rushed forward with loud cries to attack the English bowmen, who were the strength of Edward's army. These last stood still; even on the second charge "they stirred not one foot." When they got within shot of their foes, they let fly their arrows so thickly that they came like snow. The Genoese fled, and some of the heavy-armed troops were involved in their confusion. John of Luxemburgh, king of Bo-

hemia, who commanded Philip's main body, though nearly blind, commanded his followers to bring him into the hottest part of the battle, and used his sword so valiantly that messengers were sent to solicit aid from the king to his son. "Is my son dead?" said Edward. — "No, sir," replied the knight; "but he is hardly matched." — "Return to those who sent you," said the king, "and say that they send no more to me while my son is alive. Let them suffer him to win his spurs; for if God be pleased, I will this journey (day) be his."

John of Luxemburgh, who disdained quarter, was slain by the young hero, who thence assumed the motto of *Ich dien*—I serve. The rout, as often happened in that age, became universal. The vast disproportion of loss showed a panic which dissolves an army, and marked the unsparing vengeance of the pursuit. Three knights only are said to have fallen among the English army. On the French side the kings of Majorca and Bohemia, the duke of Lorrain, the count d'Alençon, brother to Philip, with 1200 knights, 1500 gentlemen, 4000 men at arms, and 30,000 infantry, are said to have perished in this tremendous defeat.

In the south of France the arms of Edward prevailed over those of Philip. David Bruce, who was sent to land in Scotland after the battle of Crecy, was defeated and made prisoner by a considerable army, led into the field by Philippa, a princess not unworthy of her husband and son. The exultation of victory, which easily affects popular assemblies, disposed the parliament to a profuse grant.

In three days after the battle the unwearied victor turned his arms to the siege of Calais — anxious to hold a key of France by a safer tenure than the intrigues and seditions of a Flemish populace. The governor, magistrates, and people of Calais, made a glorious defence of eleven months. After having devoured all the unclean animals in the fortress, they seemed to have no resource left but that of devouring each other. His Flemish

allies seconded his attempt, by laying siege to Aire with 100,000 men. The French efforts either to raise the siege or to negotiate a peace proved unavailing. The burgesses offered to surrender on condition of departing unarmed. Sir Walter Manny, on the part of his master, declared his will to ransom all such as pleased him, and to put to death such as he list.* That brave officer, however, and some of his colleagues, represented to the king the dangerous example to his own officers of such a punishment being inflicted for a faithful defence. "I will not to be alone against you all," said the king; "but tell the captain that six of the chief burgesses must come forth bare headed, bare footed, and bare legged, in their shirts, with halters about their necks, with the keys of the town and castle in their hands. Let these yield themselves purely to my will; the residue I take to my mercy."

The governor assembled the people in the market-place, and communicated to them this sad demand. The people, melted by sufferings and fears, wept piteously. Eustace de St. Pierre, the most eminent of the citizens, with a noble sense of the duties of his station, called out, "To save the people, I will be the first to put my life in jeopardy." Five others claimed the post of honour, and they were brought prisoners before Edward. They fell on their knees and besought his mercy. The stern barons who surrounded him were melted into tears. He looked at them fiercely, for he hated the people of Calais who had so long delayed his progress. When he commanded their heads to be stricken off, he was answered by a cry for mercy. He sent for the hangman, who alone would execute such cruel commands. Philippa, his generous consort, who had then the claims of pregnancy, fell on her knees, and entreated their pardon. He looked at her silently for a few minutes. He then said, "Dame, I wish you had been in some other place; but I cannot deny you." It may be suspected that the whole scene was a concerted exhibition, to display the

* Berner's Froissart, cxlvi.

grace of mercy in union with the terrors of vengeance. Whatever the secret springs of action might be, the general aspect of this self-devoted heroism presents a striking picture of the horrors of barbaric warfare, cheered by streaks of light from those better principles which began to show themselves among bystanders and historians.

The reader of this part of history is often surprised by the small consequences which the greatest events produce; which may be ascribed to the short period of military service, to the embarrassment and penury of a wretched system of finance, and in some measure to the inconstancy of violent passions. The first fruit of the reduction of Calais was a truce which lasted till 1355, five years after Philip of Valois was succeeded by his son John. Edward made offers of peace to the latter monarch, on condition of renouncing his pretensions to the French crown, and of contenting himself with the cession of Guïenne, Aquitaine, and Calais, in absolute sovereignty. In 1355 the Black Prince, who governed his father's dominions in France, made a somewhat predatory expedition into the neighbouring provinces. In July 1356 he carried his arms into the heart of the French territory. Advancing from his capital of Bordeaux, he entered Poitou, and on Saturday the 17th of September he encamped at Maupertuis, within two leagues of the city of Poitiers. The army of the Black Prince was variously rumoured to consist of 8000 or of 12,000 men. That of king John is said to have contained 60,000 horse; which implies even then multitudes of infantry scarcely credible. Nothing but patience seemed to be necessary for the complete and final triumph of the French monarch. The retreat of the Black Prince was cut off. He chose a position judiciously, indeed, but the infatuation of John alone could have given him a single chance of escape. The cardinal Perigord, who endeavoured to prevent bloodshed, prevailed on prince Edward to consent that, in consideration of an unmolested retreat

to Bordeaux, he would restore the places and prisoners taken in the campaign, and engage not to serve against the king for seven years. John insisted that the prince and a hundred knights should surrender themselves prisoners. Edward would yield no more.

The issue of this battle depended on the military eye of the prince, and on the sinewy arms of the English bowmen. Cardinal Talleyrand continued his pacific offices to the moment of battle. While both armies were drawn up for action, he made one more effort in the view of both to obtain more moderate terms from John. He rode across the ground with the tidings of a negative to Edward, who made answer unmoved, "God defend the right!" and on the departure of the legate the signal for battle was made. A body of French men at arms made the first attempt to charge and break the English archers, who were placed in the van. The advance, however, was made through a narrow lane, which a few men could defend, and archers were posted behind the hedges which lined it: flights of arrows from them slew or wounded the horses and horsemen: the assailants, oppressed by their own numbers, were thrown into irretrievable confusion; and the cry of "St. George" began to raise itself more loudly than that of "St. Denis." The French vanguard, after a display of their wonted valour, fell back on the second line. At that instant, as it should seem, a body of 600 English appeared on the left flank; and the French officers sent the young princes to a place of safety, with an escort of 300 men,—a double movement, which increased the panic now spreading in the French second line, and was soon followed by their giving way. Lord Chandos, perhaps the most renowned of Edward's lieutenants, cried out, "Sir, ride forth — the journey is your own. Let us get to the French king's battle: I think verily, by his valiantness, he will not fly." The slaughter was so great, that quarter seems not often to have been granted where ransom was not hoped. The number of men of rank who fell

may partly be ascribed to their pride of valour, and in some measure to the heavy armour, which secured them in battle, but encumbered them when they were thrown into confusion or were driven to escape by flight. "On the French party," says Froissart, "a full right good knight, with his own hand he did on that day marvels in arms." When surrounded by an English band, who contended for the royal prisoner with more zeal for their fame than regard for his safety, he asked, "Where is my cousin the prince of Wales." Denis Morbeck, a knight of Artois, who served in the English army, having been long banished from France for homicide, now forced his way to John and rescued his native sovereign from the peril of death. Edward received his illustrious captive with a courtesy and hospitality which have justly placed him among the most generous of victorious knights. He served the king at his repast, and declined a seat by him at table as an honour too exalted for him. He consoled him for an accidental disaster, more than compensated by his prowess during the day, and assured John that the calamity would only lead to an inviolable friendship between two monarchs, of whom the vanquished was as worthy of admiration as the victor. The subsequent reception of John in England justified the assurances of the prince of Wales: and though we might desire a more impartial and simple humanity, which should at least, in some degree, extend to all blameless sufferers; yet it is reasonable to exult, in surveying history, to observe that kindness and sympathy now so prevailed between the higher orders of society, as to render their exercise an object of distinction which was pursued with ardour, and sometimes industriously displayed.

The truce of two years which followed the battle of Poitiers afforded little relief to France. The mercenary troops who had been in the service of both parties were now let loose on the country. About 10,000 of this soldiery, divided into companies of from twenty to forty each, commanded by adventurers of all nations, ravaged

every part of the devoted kingdom, and made war without distinction on all the opulent, or even industrious.

On the approach of war with England, the king of France was, like his English competitor, reduced to the necessity of applying to the states-general for supply. It was granted on the very remarkable conditions of restoring the currency, which had been made to pass for more than four times its value; of prohibiting purveyance, against which the subject was even authorised to defend himself by force; and of paying the produce of the taxes unto receivers to be nominated by the states, and declared to be responsible for the appropriation of the whole sum to the expenses of war. All orders of men, including the royal family, were alike subjected to these impositions; and what was most remarkable of all, a provision was made for re-assembling the states in the two years following, in order to regulate and defray the public expenses. * This revolution in the constitution of France, which is almost unnoticed by the contemporary writers, we can scarcely regard in any other light than as an expedient of the king to obtain money by whatever concessions. When the states met a second time in March 1356, the king of Navarre and the Norman lords complained of the new taxes; notwithstanding their remonstrances they were invited by the dauphin to a grand festival at Rouen, where John king of France surprised them in the midst of their festivities. The king then availed himself of his perfidious visit to seize the king of Navarre and his followers, in order to punish them for a factious murder committed by them on the constable of France four years before, which John himself had pardoned. The inferior lords were instantly put to death by the king's commands. The king of Navarre was brought prisoner to Paris, after having been dragged from his seat by the hand of John †, who spared no aggravation of personal brutality. During the imprisonment of the king

* III. Ordon. de France. 2. — 32. December, 1355.
† Berner's Froissart, civi. — Froissart, Ad. Sismondi, 450.

of Navarre he was kept in a continued agony by agents, who disturbed him even in the hours of rest with unceasing announcements of instant death — of being beheaded — of being thrown in a sack into the Seine. These events had a little preceded the battle of Poitiers. That event was not such as could compose the confusions of France. Charles the dauphin took the title of lieutenant of the kingdom during his father's imprisonment, and assembled the states-general on the 17th of October, 1356. That body, chiefly led by the Navarre party and by Stephen Marcel mayor or provost of Paris, demanded from the dauphin, 1st, the trial of the ministers; 2d, the enlargement of the king of Navarre, who had been treacherously imprisoned; and 3d, the establishment of a council of four prelates, twelve knights, and twelve burgesses, to assist him in the administration of the kingdom. After many objections and evasions the king was obliged, at the third session of the states, in March 1357, to issue that great edict of reformation, which, if it had been honestly granted or vigorously maintained, would probably have established liberty in France four centuries sooner than the memorable struggle to obtain and to preserve it in which she is now engaged. The original monuments of these great and unfortunate attempts have been destroyed or suffered to perish, insomuch that our means of estimating the prudence or the purity of the unsuccessful reformers are altogether inadequate. The reforms themselves do not incur the censure of extravagance. The conduct of the reformers was doubtless not untainted by the lawless and faithless spirit of the times. If the king of Navarre deserved the name of Charles the Bad in its comparative sense, his claims to be "raised to that bad eminence" are unknown to us. Stephen Marcel put to death two of the dauphin's counsellors so near that prince, that their blood sprinkled his robes.* The nobility began to be fearful or jealous of the burghers. The dauphin convoked a rival assembly at Compiegne; and the king of

* 22 Feb. 1358.

Navarre, though released and entrusted with the command of Paris by the popular party, was prepared to sacrifice them to his brother-in-law the dauphin, who soon after was master of Paris. The efforts of public liberty, the projects of personal ambition which had agitated the states-general at Paris for three years, were lost in the deluge of general misery which they had probably in some measure contributed to swell.

The general confusion was carried to the utmost pitch by a revolt of peasants or serfs against their lords in most of the provinces which surrounded the capital.* They were called *La Jacquerie*, from Jacques Bon Homme,—Gaffer James,—their real or imaginary leader. This revolt of slaves, who, having lost all hope, might well say, "Farewell fear, farewell remorse!" † was the only disorder which on the continent disturbed the enfranchisement of peasants; the most extensive, spotless, and beneficent revolution recorded in history, since the delivery of women from perpetual imprisonment and uncontrolled slavery by the abolition of polygamy. The tumults and excesses, which threw a slight shade over its progress in England, will be more fitly related in the history of the next reign.

Wearied with wars of disappointment to Edward, and of unspeakable mischief to France, a treaty was concluded between the contending parties at Bretigny, of which the principal stipulations were the cession of the old possessions and new conquests of the English in France to them in full sovereignty, the renunciation by Edward of his pretensions to the French crown, together with the payment of a million and a half of English nobles as a ransom for John, who had continued in England. In a few months afterwards, however, some difficulties occurring in the levy of so great a ransom, it was agreed by both princes to postpone their formal

* Froissart, ch. clxxxii.

† "They set fire to the town and brenned it clean, and all the villagers of the town that they could close therein."—*Froissart*, ch. clxxxiv. The revolters were "Villains:" the victors were the duke of Orleans, the earl of Foix, and the captal de Buch.

renunciations till the 30th of November, 1361, at Bruges. But as it became more difficult to execute the treaty of Bretigny, John, justly surnamed the Good, returned to London after four years liberty, and again became a hostage for the terms which it was impossible to perform. He died there in 1364, a remarkable, perhaps singular, example of faith and honour. About the same time the death of Edward Baliol without issue having left David Bruce without a competitor for the Scottish crown, the long pretensions of the Plantagenets to Scotland were closed by Edward III.'s recognition of his brother-in-law.

In the mean time the Black Prince was wedded to his beautiful cousin Jane Plantagenet, daughter of the earl of Kent. The king raised him to the new dignity of prince of Aquitaine and Gascony. He established his magnificent court at Bordeaux. He reconciled many of the Gascon and Pyrenean lords to submission, who were inured to independence in their distant fastnesses, and who could scarcely brook even the forms of regal superiority. A considerable portion of his Gascon administration was unfortunately employed in an irruption into Spain, in which he maintained his renown as a captain, but earned neither moral honour nor political advantage. Pedro IV., surnamed the Cruel, king of Castile, had opened his reign when a boy by the murder of Leonora de Guzman, his father's mistress, to which he was prompted by his relentless mother. His own wife, Blanche de Bourbon, he committed to the custody of the uncle of his paramour Maria de Padilla, where she was believed to have perished by poison. The numerous exiles from his tyranny, at the head of whom was Henry of Trastamare, the son of Leonora de Guzman, first found a refuge in Aragon. They were driven from their asylum by fear of Pedro, and compelled to seek a more inviolable home in France. Trastamare and the celebrated Duguesclin raised an army of thirty thousand of "the companies" for an attack on Pedro, by which they almost delivered France from

these brave freebooters. By the help of these allies, and by the concurrence of the Castilians, Henry deposed Pedro without a blow. That tyrant escaped through Portugal to Corunna, obtained a passage to Bayonne, and threw himself on his arrival at Bordeaux at the feet of the renowned prince of Aquitaine.

Now the defects of chivalrous morality were strikingly exhibited. Justice and humanity disappeared.* Edward was soothed with the pride of redressing the wrongs (for such the deposition seemed to him) of a king and a knight. And so imperfect or rather impure was his system of ethics, that in his ignorance he regarded the restoration to a convicted oppressor of the power to make a nation miserable as a legitimate and sacred undertaking. On the 3d of April he defeated Henry in the battle of Navarete. He prevented, indeed, Pedro from putting 2000 prisoners to death; though he had just armed him with the power of dooming a tenfold number to the same fate. He recommended lenity to a wretch whose sole guard against the hatred of mankind consisted in their fears. The ungrateful tyrant neither paid nor provisioned the army of his benefactor, and the prince returned to Bordeaux without profit or credit. In the following year Pedro and Henry met at a political conference. They seized on each other with the rage of unnatural hatred. Pedro threw Henry on the floor; but Henry stabbed his antagonist to death, and was once more acknowledged as the legitimate king of Castile.

The Black Prince, embarrassed by the unpaid mercenaries, imposed unpopular taxes for the purpose of discharging them. The mutinous lords availed themselves of the still inexecuted renunciations of the treaty of Bretigny, by appealing against the taxes to the court of the lord paramount. In the course of the hostilities which ensued, and in the last military operation of his life, he gave the strongest proof of the proud and unfeeling

* A Jacobite writer, 400 years after the event, lets us into the secret of the prince's morality. "The prince of Wales was too much a *man of honour* to favour usurpation in any country." — *Carte*, ii. 516.

character of the best chivalrous morality. Incensed at the revolt of the city of Limoges, he gave notice to the inhabitants, that unless they immediately expelled the French garrison and surrendered the traitors, they should all be put to the sword — man, woman, and child. When, after a month, the English army entered by a breach, the prince, already too infirm to ride, was carried into the town in a litter, accompanied by his brothers Lancaster and Cambridge. It was a miserable sight to behold the men, women, and children on their knees, and bathed in tears, beseeching him for mercy. He was so inflamed with ire, that he took no heed of them. "More than 3000 men, women, and children, were slain on that day."* After witnessing this butchery, he remained on the spot in his litter to see the hard fought defence of fourscore French knights, who kept their ground against the English princes and nobles. However indifferent to a massacre of the vulgar, "heads without name no more remembered," yet as a veteran warrior he was touched with admiration of the gallantry with which the cavaliers performed their part; and he rewarded so brilliant an exhibition by a grant of their lives.

Thirty years of toil and peril had prepared the robust frame of Edward for fatal impressions from a Spanish autumn. His activity in the field ceased. He returned to England in quest of bodily quiet. His mother Philippa had some years before left her beloved family to a state of dissension and unexpected decay. As the prince's health declined, the government of Aquitaine, and the chief management of public affairs, fell into the hands of John of Gaunt duke of Lancaster, who assumed the title of king of Castile in right of his wife, the daughter of Peter the Cruel by his concubine Maria de Padilla. On the of 8th June, 1376, the Black Prince died at Canterbury, in the 46th year of his age; leaving a reputation as a consummate commander, a generous knight, a wise and vigorous statesman, and a model of regal

* Froissart.

dignity and magnificence, unmatched by any man of that age, unless his father may be excepted. It was, perhaps, fortunate for his fame that he did not live so long as to be regarded as a peevish and gloomy valetudinarian.

After his return to England he embraced a popular and parliamentary opposition *, which rose to vigour in the evening of the great king's life. Whether his motives were pure, or he was in part swayed by the reluctance to resign a power which could no longer be exercised, he appears to have become the life of the hostility now carried on by parliament against the ministers and mistresses of his father, whose costly victories had often compelled him to purchase parliamentary supply by larger concessions than were extorted from the timidity of feebler princes. The state of foreign affairs was inauspicious to the monarch. The French conquests of the two greatest captains of the age were lost. Calais remained alone in the north. Bordeaux and Bayonne were the principal remnants of the English dominions in the south: to preserve them by truces was deemed fortunate. The parliament, which assembled in spring 1376 †, complained of needless expense and oppressive taxation: they carried their scrutiny into every branch of administration; impeached the principal agents of the duke of Lancaster; declared the necessity of adapting the administration to the demands of parliament; expelled lord Latimer from the king's councils; and deprived lord Neville of his offices. Alice Perrers, a lady of the bedchamber to Philippa, to whom the doting fondness of the king had presented the jewels of her royal mistress, was by name forbidden the court, under the pains of forfeiture and banishment, in pursuance of an ordinance made to prevent the influence of women in biassing the course of justice, and unduly obtaining graces from the king.‡ In the end of their remonstrance they pray the king to call the royal child Richard of Bordeaux to

* "Illi de communitate cum quibus princeps tenebat."—*Murimuth.*
† Rot. Parl. ii. 321—330. ‡ Ibid. 329.

parliament, that the lords and commons might receive the noble son of such a father with due honours.* Their language indicates that they had lost their protector, and that the duke of Lancaster was not acceptable to them. The duke of Lancaster resumed his ascendant. Sir Thomas de la Mare, the speaker of the independent house of commons in the parliament called "good," was committed to prison. In the last year of Edward's reign a parliament held by the young prince of Wales threw itself into the arms of Lancaster; and his steward, sir Thomas Hungerford, was chosen speaker. Even in the former year, it appears from the rolls of parliament, that the two houses repaired to the king at Eltham, he being unable to perform the short journey to Westminster. During the remaining months of his life he lived in gloomy solitude, either at that place, or, for the last fortnight of his life, at the beautiful manor of Shene, with no confidential attendant but Alice Perrers, who, if we may believe an old chronicler†, deserted him on the morning of his death, and carried with her the royal ring, which she had drawn from his finger. It is added, that the servants had disbanded, after pillaging the palace, before his death; and that the only office of piety which attended his dying moments was performed by a solitary priest, who put into the king's hands a crucifix, after kissing which he wept and expired.

Though his victories left few lasting acquisitions, yet they surrounded the name of his country with a lustre which produced strength and safety; which, perhaps, also gave a loftier tone to the feelings of England, and a more vigorous activity to her faculties. The pride of valour may belong to barbarians; but victories no longer to be gained without mental power over nations emerging from barbarism, though they beget many evils and really degrading passions, may on the whole elevate the heart and rouse the understanding of mankind.

During a reign of fifty years, Edward III. issued

* Rot. Parl. ii. 330. † Walsingham.

writs of summons, which are extant to this day, to assemble seventy parliaments or great councils: he thus engaged the pride and passions of the parliament and the people so deeply in support of his projects of aggrandisement, that they became his zealous and enthusiastic followers. His ambition was caught by the nation, and men of the humblest station became proud of his brilliant victories. To form and keep up this state of public temper was the mainspring of his domestic administration, and satisfactorily explains the internal tranquillity of England during the forty years of his effective reign. It was the natural consequence of so long and watchful a pursuit of popularity, that most grievances were redressed as soon as felt, that parliamentary authority was yearly strengthened by exercise, and that the minds of the turbulent barons were exclusively turned towards a share in their sovereign's glory. Quiet at home was partly the fruit of fame abroad. An age of victory is productive of those triumphs and monuments which soothe national pride, and contribute to foster all the feelings of nationality. Windsor was probably the noblest architectural pile destined for civil purposes then erected to the north and west of the Alps. The hall of of Edward's palace at Westminster still stands a lasting example of the massy magnificence which commands admiration for centuries. The chapel of the same regal mansion is now the room in which a representative assembly sit, who concur in making laws for ancient and renowned nations, to whom the name of Plantagenet was unknown. Civil architecture then began to revive — as castles were used for solemnities and festivities, which were before limited to security. The architecture of churches had almost reached its highest perfection; — a new and singular art which, though it spread magnificence from Seville to Scotland and Norway, has left scarce any account of the names of its professors. The contrast of vastness with minute finish; the power of its structure suddenly to exhibit masses and changes of light and shadow; its transitions from awful gloom to splendid

radiance; the variety and intricacy of its parts which yet appear a whole to the fancy, from their likeness and from their common object;—have formed a strong mental connection between it and religious worship, which acquires additional solidity from age to age. Most of the European cities may boast of their sacred edifices. Why Gothic churches (for so they are called) of singular beauty are more abundant in the central counties of England than in any other equal part of the country of Europe which the writer of this volume has seen, is an unexplained fact in the history of an art which is dim and mysterious in its origin and progress as well as in its fabrics. The foundation of the order of the Garter, with its shows and legends, its martial and religious parades, convinces us that we have at length reached an age which, undisturbed by the coarse chivalry of barbarous reality, had formed out of its traditions an ideal web of love and war, of valour and devotion, which was since spread over the cradle of modern manners.

The reign of Edward was distinguished by Chaucer, the greatest poetical genius, if not the greatest poet, with the single exception of Dante, whom Europe had produced, probably, from the death of Lucretius, and who undoubtedly surpasses every English poet, except Shakspeare, in the variety and fertility of his faculties. It is no wonder, that after the appearance of such a writer, the language which he had ennobled should be legally declared to be that of legislation.*

The statute of treasons † has, in its operation, weakened the power of oppression more in England than in most countries, and on this account has justly become the darling of the nation. It limits the offence of political treason to three cases: 1. Compassing the death of the king; 2. Levying war against him; and 3. Abetting his foreign enemies within his kingdom.

It was granted rather to the rapacity of the barons than to the safety of the subject. All the other acts formerly held to be treason being reduced to felony, the

* 36 Ed. III. † 25 Ed. III.

escheat fell to the immediate lord instead of accruing to the crown, to which forfeitures for high treason pertained. The whole character of the statute is indeed feudal, and adapted only to the treasons prevalent in feudal times, which were either secret assassination or open rebellion. A conspiracy to revolt was then an unknown offence. The barons were the only revolters, and their preparations, incapable of secrecy, were commonly as notorious as those of a foreign prince. The judges in process of time enlarged the scope of this statute to cases for which it certainly was not intended, but which it was probably fit to punish by the only reasonable remedy of a new law. Our ancestors, and we ourselves, have been fearful of repairing a rude statute, lest the established powers should seize on the reform as an opportunity for making the law more tyrannical under the specious pretext of rendering it more methodical and complete.

"Under the reign of Edward III.," says sir Matthew Hale, "the law was improved to its greatest height. The judges and pleaders were very learned. The pleadings are more polished than those in the time of Edw. II.; yet they have neither uncertainty, prolixity, nor obscurity. So that at the latter part of this king's reign the law seemed to be near its meridian." *

The frequency of famines, and the excessive fluctuation of the prices of the necessaries of life, were among the most wide-wasting evils which afflicted the middle age. In a period without commerce, the scarcity of one district could not be relieved by the redundant produce of another. Nor can ignorance and prejudice, however formidable, produce so much mischief in other times by restrictive law as that which naturally sprung from the utter absence of traffic. The pestilential fevers which raged with such malignity, may, in part, be ascribed to want of food, fuel, air, and clothing, to towns crowded and filthy, as well as to the low state of medical knowledge. Roger Bacon had discovered his knowledge of a

* Hale, History of the Common Law.

composition like gunpowder, for a fulminating powder and fireworks. It was disclosed to the public by Swartz, a German monk, soon after the commencement of the fourteenth century.

RICHARD II.

1377—1399.

Richard of Bordeaux was raised to the throne in the eleventh year of his age, amidst the acclamations of the multitude readily bestowed on the beauty and innocence of the boy, the martial and popular glories of his father, and the jealousy stirred up by the overshadowing power of John of Gaunt, now the undisputed chief of the house of Plantagenet. The melancholy of Edward's latter days was not unsuitable to the gloom which hung over public affairs. Though the great dominion of Aquitaine had rather crumbled down under the unnerved hand of his age than fallen by the vigorous blow of an enemy, yet the twenty years of languid contest and gradual decay which followed the battle of Poitiers, formed a disheartening contrast with the early triumphs of a victorious reign. Vexatious inroads were the only fruit of the needless contest with Scotland. The renewal of hostility between the English and English parties in Britany added the important stations of Brest and Cherburg to Calais, Bordeaux, and Bayonne. The first parliament of Richard showed a disposition to adopt the spirit of opposition encouraged by the Black Prince. Peter de la Mare was again chosen speaker of the house of commons. The judgment against Alice Perrers was renewed, with no indulgence even towards the memory of her royal lover. In the proposals for a regency some circumstances occurred which illustrate the state of parties, and throw a strong

light on those ludicrous positions in which the accidents and infirmities of human nature sometimes place hereditary monarchy. The regal boy was gravely spoken of by primates and chancellors, as already a sage and a hero endowed with all the wondrous attributes which the priests of Thibet discover in a newly found lama. Both houses of parliament on their knees besought him that he would be graciously pleased to name the king of Castile, with eleven other lords, to be a council of regency. They were informed that the king in parliament had wisely consented to this mode of supplying his own defect of understanding. But the duke of Lancaster angrily and fiercely rejected this expedient for diluting his power by so much mixture with others, which he treated with scorn as a new stratagem of his enemies and calumniators in the house of commons. Nine counsellors of regency were chosen, among whom he appears to have had little influence. They were chosen only for a year; and the supplies were strictly appropriated to military defence, and for that purpose entrusted to Walworth and Phillpot, the parliamentary treasurers of war. *

In the year 1381, broke out the famous revolt of the lower classes in England, very similar to the insurrection of the French peasants which raged in 1350. Both these events mark the period when the slaves who advanced from the condition of beasts began to feel an ambition to become men. Their masters in some places pulled them back too violently: they were themselves impatient of the time which such an operation requires. Accidental provocations, malignant incendiaries, frequently excited them to violence; but in general the commotions of that age will be found to be near that point in the progress of slaves towards emancipation, when their hopes are roused, and their wrongs not yet redressed. In 1315 Louis Hutin issued an ordinance "setting free all the serfs of his domains," on condition of composition; and, in 1318, his

* Rot. Parl. iii. 5, 6.

son Philip le Long confirmed that edict, declaring, that "as our kingdom is called the kingdom of the Franks, or freemen, and desirous that the thing may correspond to the name, we grant, &c. liberty to all the serfs of our domains on good condition." In 1339 we find a commission from Edward III. to the same effect. Probably the rise of wages, ascribed then to the mortality of the pestilence, which vain attempts were made in several statutes to lower, was partly attributable to the rapid enfranchisement of villains before the wages of free labour had been gradually determined by competition. Other statutes* regulating the proof and proceedings in suits respecting liberty, indicate the activity of emancipation at this period. All owners of extensive estates naturally discovered that they must be continually defrauded by distant villains, respecting the share of produce allowed to the proprietor. To fix a certain sum to be paid yearly, instead of a portion of produce, afterwards called rent, was a better bargain for both parties. No general law had passed, either in England or France, for manumission. But the barons, influenced by the same necessity or convenience, followed the example introduced by both kings in the royal domains. The judges, who were ecclesiastics, multiplied presumptions and rules of evidence consonant to the equal and humane spirit which breathes throughout the morality of the Gospels. A residence of three years in an incorporated town protected a villain from all claims by his former owner. Of the two proofs of servitude, one by prescription was loaded with as many difficulties as the humane contrivance of judges could devise; while of the other,—that by recognition or judicial confession,—though instances from extreme poverty are not wanting in early times, there is no example in our books more recent than the time of Richard.

It has already been observed that Christianity promoted manumission, though the rules of her pacific morality disturbed no civil institution. The plebeian

* 10. 23. & 25 Ed. III.

extraction of the clergy disposed them to favour the just cause of their brethren and neighbours; and the rise of many of them to the highest stations of the law supplied them with many means of infusing into law some portion of that exact knowledge of right and wrong, of that Christian charity and republican equality, which education had not yet disclosed to their lay contemporaries.

"A foolish priest of Kent, called John Ball, had preached to the peasants, 'that in the beginning of the world there were no bondmen, wherefore none ought to be bond without he did treason to his lord, as Lucifer did to God: — but they were neither angels nor spirits, but men formed to the similitude of their lords; — why then should they be kept under like wild beasts? and why, if they laboured, should they have no wages?

'When Adam delved and Eve span,
Where was then the gentleman?'

This priest," says Froissart, "was three times thrown into the archbishop's prison at Canterbury for his foolish words."* But the generous sentiments of natural equality are so deeply engraven on the human heart, and so inseparably blended with the dictates of reason and conscience, that no appeal to them can be wholly vain: their power over those who grievously suffer from their violation never can cease to be great. An accident kindled the flame. The collector of a poll-tax had levied it with insolence in the house of a tiler of Dartford; and in order to ascertain the age of the tiler's beautiful daughter, on which her liability to the tax depended, offered intolerable indignities to the fair maiden. Her mother made an outcry which brought back the tiler to his cottage, and, incensed at the taxgatherer, felled him to the ground with a mortal blow. "The villains and poor people" of Norfolk, Suffolk, Essex, Sussex, and other of the eastern counties, were roused by the cry of the men of Kent; and declaring that there should be no more bondmen, that they should be faithful to

* Berner's Froissart, c. 381.

king Richard but never endure a king named John (an arrow aimed at John of Gaunt), they assembled at Blackheath to the number of sixty thousand, in the month of May, 1381, and proceeded to enforce their counsels by an attack on London, where they succeeded in obtaining possession of the town, and put to death the chancellor and the primate as evil counsellors of the crown and cruel oppressors of the people. At this moment of victory, however, the demands of the serfs were moderate, and, except in one instance, just. They required the abolition of bondage, the liberty of buying and selling in fairs and markets, a general pardon, and the reduction of the rent of land to an equal rate. The last of these conditions was indeed unjust and absurd; but the first of them, though incapable of being carried into immediate execution without probably producing much mischief to themselves, was yet of such indisputable justice on general grounds, as to make it most excusable in the sufferers to accept nothing less from their oppressors.

In relating what follows, it must not be forgotten that the partisans of Tyler had no historians. At an interview in Smithfield on the 15th of June, 1381, between the king and Tyler, the writers of the victorious party tell us, that Tyler, while conversing with his young sovereign, played with his dagger, and seemed about to seize on the king's bridle, when William of Walworth, apprehending a mischievous purpose, plunged a short sword into Tyler's throat, who, falling to the ground, was despatched by Standish, one of the king's esquires. It would be very difficult for the calmest bystander to have ascertained the order and discovered the nature of so rapid a succession of minute circumstances in one small part of a vast multitude, which might all have passed in the twinkling of an eye. What the purposes of Tyler were; whether Walworth was too officious; whether the king's counsellors observed faith to those who showed them no mercy; — are questions which must in some degree ever continue doubtful. The revolt was

extinguished with the cruelty and bloodshed by which the masters of slaves seem generally anxious to prove that they are not of a race superior in any noble quality to the meanest of their bondmen. More than fifteen hundred wretches perished by the hand of the hangman. In one day Tresilian the chief justice caused nineteen to be hanged on the same gallows.

The new opinions on religion which now arose, mingled with the general spirit of Christianity in promoting the process of emancipation, and had their share in the few disorders which accompanied it. Wickliffe the celebrated reformer had now become one of the most famous doctors of the English church. His lettered education rendered him no stranger to the severity with which Dante and Chaucer had lashed the vices of the clergy, without sparing the corruptions of the Roman see itself. His theological learning and mystical piety led him to reprobate the whole system of wealth and wordliness by which a blind bounty had destroyed the apostolical simplicity and primitive humility of the Christian religion. His dissent from opinions was chiefly regulated by their tendency to enrich, to aggrandise, and thereby to corrupt, the ministers of religion. Viewing doctrines in this light, he might occasionally fluctuate in his feelings or language respecting them, without being liable to any grave imputation of inconsistency. This temper, however, adds to the difficulty of ascertaining his opinions: necessarily progressive, they could not have been the same at every period of life. It is possible, that if he sometimes yielded to authority, he might have been actuated more by sincere deference than by personal apprehension.

The principal points on which Wickliffe was condemned by a national synod under archbishop Courtenay, in 1382, were, 1st, His deviation from orthodox language respecting the presence of Christ in the sacrament of the altar; 2d, His doctrine, that a pope, bishop, or priest, who is in a state of mortal sin, has no authority over the faithful, and that his acts are null; 3d, His asser-

tion, that Scripture prohibits ecclesiastics from having temporal possessions; and 4th, That where contrition is sincere, confession to a priest is useless. His opinion respecting the Lord's Supper is supposed to have nearly resembled that peculiar to Luther and his immediate followers. It is easy to see that unless he distinguished morality from law with the utmost steadiness, his denial of the lawful authority of vicious superiors must be dangerous to civil as well as spiritual power. But it must on the other hand be allowed, that his warm popular language against a corrupt clergy was liable to be misrepresented, and that positions laid down *morally* by him might very easily be imputed to him in a *legal* sense. In shades of meaning on such occasions it was not hard for power, armed with sophistry and casuistry, to perplex his judgment and betray him into concessions which he might afterwards withdraw, not so much because they were false, as because their language might give just offence to weaker brethren, or lead them into dangerous error. This celebrated reformer died in 1384, at his parsonage of Lutterworth in Leicestershire: but his doctrines, or rather his spirit, survived him; and however his successors might vary from him in their exposition of mysterious dogmas, they owed to him the example of an open attack by a learned clergyman upon the authority of the church and the jurisdiction of the supreme pontiff. Payne, one of his disciples, carried his system into Bohemia, where it flourished in spite of persecution, till it was lost in the broad stream of reformation in the sixteenth century.

The reception of the doctrines of the Lollards (for so they were called) shows plainly that the soil had been prepared for the seed. With the dawn of history, we discover some simple Christians in the valleys of the Alps, where they still exist under the ancient name of Vaudois, who by the light of the New Testament saw the extraordinary contrast between the purity of primitive times and the vices of the gorgeous and imperial hierarchy which surrounded them. They were not so much dis-

tinguished from others by opinions, as by the pursuit of a more innocent and severe life.

Another body of men, apparently, much more numerous, acquired dominion, and numbered sovereigns among their followers, in the French provinces which lie southward of the Loire. They were called Albigeois, and appear to have been composed of the remnants of separatists from the eastern church who had been driven into the west by the persecutors of the Byzantine government, who combined in general the mystic piety and austere purity of the Vaudois, with their hostility to a rich and powerful establishment; but added many of the unpopular opinions of the Manicheans from whom they were descended, and in some instances slid from the pure doctrine of the mental nature of all religion and virtue into the licentious and monstrous notion of the indifference of outward actions.

After the suppression of the insurgents John of Gaunt, who was the most obnoxious to them, was reinstated in the government with the amplest marks of regal grace and favour; and under his influence the king not only revoked the letters of manumission, which were beyond his power, but even the general pardon, which was undoubtedly within his competence, and for which he substituted professions of clemency and acts of grace to particular towns*; and after the dreadful harvest of legal massacre, there were about 250 persons excepted by name† from pardon, every one of whom may have laid down their arms on the faith of the king's declaration of general amnesty. It is thus that the insurrections of slaves, of all wars generally the most provoked, are usually treated by their victorious masters, who consider the serfs as inferior beings, in whom it is the height of presumption to expect any share of the sad privileges of the vanquished in civil war The administration of old John of Gaunt, "time-honoured Lancaster," was as little characterised by the experience of age as by the

* Rymer, vii. 17. Chelmsford, 2 Jul. 1381. Rot. Parl. iii.
† Rot. Parl. iii. 113.

spirit of youth. He still suffered the useless hostilities with France and Scotland to linger, sometimes suspended by an armistice. In the mean time he seems to have been chiefly occupied in the visionary pursuit of the crown of Castile, which he claimed in right of his wife, the daughter of Peter the Cruel; and after two ineffectual campaigns, returned to Gascony discomfited, in 1387. During this long absence, which lasted about two years, the state of the court and country in England became such as to demand the presence of the first prince of the blood. The person of the king, in years of full age for the crown, but perpetually disqualified for government by want of decision and firmness, was now disputed by his uncles the dukes of York and Gloucester with De la Pole and De Vere, two minions of Anglo-Norman race, of whom the former was created earl of Suffolk and the latter was raised to the invidious dignity of duke of Ireland. The duke of Gloucester excited a parliamentary prosecution against De la Pole. Richard made a feeble attempt to save the favourite. The parliamentary commissioners darkly reminded the king of the fate of Edward II. Not satisfied with the ignominious expulsion of De la Pole from office, the commons impeached him * for high crimes and misdemeanors, of which the principal consisted in obtaining undue grants of the royal demesne, and in putting the great seal to illegal pardons. In this first conspicuous exercise of the formidable power of the commons to proceed against public officers before the house of lords for such injurious mal-administration or evil counsel as were not punishable by the ordinary course of law, the deliberate formalities which are considerable securities against gross injustice were by no means disregarded. After a long hearing, the chancellor was acquitted of some charges, convicted of others, and sentenced in the latter case to pay a suitable fine. Soon after, the king was prevailed on to vest, substantially, the government in the hands of eleven commissioners, at the head of whom was his

* Rot. Parl. iii. 216. Knight. 268. &c.

uncle Gloucester. The experiments of a similar nature in the reigns of John, of Henry III., and of Edward II., had familiarised the barons to daring measures, especially under the feeble reign of a stripling who was actually, though he could never be regarded by law as in a state of minority.* The right of parliament to advise the crown in all public concerns was an inherent principle of the constitution, then probably, as now, recognised in the writ of summons which calls parliament together; and it seemed to be a natural inference from this legal right, that the parliament had a moral claim on the king to treat their counsels as of more weight and authority than either his own personal inclination or the suggestions of private counsellors.

The early exertions, however, of parliamentary privilege were so much tainted by ambition and violence, as to be accounted little more than fortunate usurpations. Richard soon found that his court was deserted for that of the distributors of favour: De Vere and De la Pole, together with Tresilian the chief justice, and a few prelates, were the chief adherents who clung to him. On the 25th of August, 1387, he held a council at Nottingham, at which the judges attended, who, being asked by him whether the commission of government was legal, certified under their hands and seals that it was illegal, and that all who promoted it were guilty of high treason. It has seldom happened that judges have delivered an irregular and extrajudicial opinion, pronouncing an established government to be an usurpation, proclaiming that the king, who seemed to assent to it, had been under force and fear, and declaring acts to be treason, which were no more deserving the appellation of criminal than those by which the Great Charter itself had been obtained and preserved. On the 11th of November, 1387, the king, who had returned with his junto to London, learnt that his uncle Gloucester was marching at the head of 40,000 men. They immediately after appealed (an accusation by a private individual to obtain

* Blackstone, book i. chap. 7.

redress for personal wrong arising from a crime) against the archbishop of York, the duke of Ireland, the earl of Suffolk, the chief justice, and the lord mayor. The parliament, which met on the 3d of February, 1388, condemned the five accused persons to the death of traitors. De Vere escaped to Holland, where he expired four years after; De la Pole died at Paris in the same year; the archbishop was suffered to linger out his old age as a Flemish curate; Tresilian, odious for his bloody circuit *, and Brembre, perhaps because he was mayor of the capital, were put to death. The chronicler † ascribes the apprehension of Tresilian to the pettifogging stratagem of hiding himself in an apothecary's house near Westminster, in order to gather early tidings of the parliament; but a servant, who was thus placed too near temptation, betrayed him. Gloucester brought him before the parliament, and on the same evening he was hanged at Tyburn. The other judges, who had subscribed the bold opinion, were capitally convicted, but by the intercession of the queen and the bishops committed for life to Irish prisons. Black, who had drawn up the questions, and Usk, appointed under-sheriff to arrest the duke of Gloucester, were condemned and executed. The king now found means to loosen the fetters which Gloucester had fastened on him. He removed archbishop Arundel, a creature of his uncle, from the office of chancellor, who was then the prime minister, and gave the great seal to William of Wickham, bishop of Winchester. He notified by proclamation that he had taken the whole government of the kingdom into his own hands. ‡ On the death of the "good queen Anne" he found himself in sufficient security for a journey into Ireland, and he soon after espoused Isabella, a princess of France, then in the seventh year of her age, which contributed to an armistice with that kingdom for twenty-

* The authentic accounts of these proceedings are to be found in "Statutes of the Realm," ii. and Rot. Parliament. iii. Those who have examined these records will envy their more fortunate successors, who will have before them the Illustrations of Mr. Palgrave.

† Knighton. ‡ Rymer, vii. 618.

five years. The king seized this period of calm as an opportunity for executing those projects of vengeance which he had long harboured against his uncle Thomas of Woodstock, duke of Gloucester, a prince who had neither used the licence of civil war with moderation, nor shown much forbearance to his royal kinsman. The duke of Gloucester, together with the earls of Warwick and Arundel, were appealed for treason; in consequence of which the former was sent prisoner to Calais, and the two earls were committed to the Tower. At the meeting of the parliament, in September, 1398, all the acts in which Gloucester had taken a share were annulled, the commission of government was cancelled, the opinions of the judges were declared to be legal, and the judgment against Michael de la Pole reversed. The archbishop of Canterbury and the earl of Arundel being both convicted of high treason, the former was banished, and the latter was beheaded on Tower-hill.

The intricate intrigues and violent changes of statesmen under Richard II. were such as it might have defied the eye and pencil of the most refined inmate of a court to trace, through the conduct of those whom he most intimately knew. To us, who see only the surface in a monkish annalist or a legal instrument, these occurrences are almost unintelligible. Among them, there is none perhaps so barbarous and so mysterious as the murder of the duke of Gloucester, the fourth son of Edward III., who, during the continental expeditions of John of Gaunt, had the principal share of the administration, and who had expelled very harshly the favourites of Richard. He appeared to have been supported in his most ambiguous measures by the royal family. The duke of York had been a member of the famous commission of 1386, now treated by him, among others, as an act of high treason. The earl of Derby (afterwards king Henry IV.) had commanded the baronial army against the king on that memorable occasion, and was one of the accusers of the favourite. He was not ashamed now to take a part against his companions,

and ventured to impair his own security, by pronouncing acts, in which he had conspicuously shared, to be crimes of the deepest dye. The ambitious and encroaching spirit of Gloucester might have justly provoked them; they might have been naturally weary of his domination; an exertion to deliver themselves and their sovereign from an imperious master might have been justifiable *; —but an active share in proscribing other men for co-operating in their own measures, at least deprives their part in the condemnation of all pretension to the character of historical or moral evidence of guilt.

In July, 1397, the imprisonment of Gloucester, with the assent of the dukes of Lancaster and York and of the earl of Derby, was announced to the public by royal proclamations, apparently issued to allay the alarm which so important an arrest had spread.† Unusual stratagems had been employed to lure him into the hands of his enemies. The king himself, at the head of a small force, went to the castle of Plashy, where his uncle resided, after the family had retired to rest. Gloucester was persuaded to accompany his nephew for urgent business. The king lulled all suspicion or apprehension of sinister purpose by the gaiety and courtesy of his conversation with the duchess of Gloucester, while the snare was laying for her husband. Shortly, however, after the duke was at a sufficient distance from his castle, he was dragged into a boat, which deposited him at Calais; where all our farther authentic information respecting the last days of that prince would probably have ceased, if the policy of a new government had not led to the disclosure of circumstances which indicate the perpetration of one of the foulest of murders.

On the 21st day of September, 1397, a writ was issued to Thomas Mowbray earl marshal, governor of Calais, commanding him to bring the body of his prisoner, the duke of Gloucester, to answer before the king

* Appeal of the duke of Gloucester, the earl of Derby, &c. &c. against De la Pole, Vere, Tresilian, &c. 11 Rich. II. 1387, 1388. Rot. Parliam. iii. 228.

† Rymer, viii. 6, 7. Winds. 15 July. Westm. 28 July.

in parliament, to the appeal of treason against him. In three days a return was made by the governor of Calais that the prisoner had died in custody. His body was granted to his widow, to be interred with the honours due to his death; masses were appointed to be performed for his soul; and the parliament seemed to be contented with an account of his death, more summary and vague than would be required in the case of the humblest subject.

"As I was informed, when he had dined, and was about to have washen his hands, there came into the chamber four men, and cast suddenly a towell about the duke's neck, and drew so sore that he fell to the earth, and so they strangled him, and closed his eyes; and when he was dead they despoiled him, and bare him to his bed, and laid him between the sheets naked, and then they issued out of the chamber into the hall, and said openly how a palsy had taken the duke of Gloucester, and so he died. These words were abroad in the town of Calais: some believed them — some not." *

At a subsequent period, however, it appeared that sir William Rikhill, a judge of the common pleas, had been secretly sent to Calais shortly after the imprisonment of Gloucester †, with written orders from the king, directing him "to do there whatever the earl marshal should enjoin." On his arrival the earl delivered another writ, commanding Rikhill to examine the duke, and to report the results of the communication to the king. Rikhill observed to the earl, that the death of the duke had already been "notified ‡ to all the people, as well in England as at Calais," in language and with a tone which seemed to indicate that the rumour was industriously spread by those who were about to convert it into a fact.

Rikhill, however, saw Gloucester. He attempted to visit him at the prisoner's desire, but he was forbidden

* Berner's Froiss. ii. c. 226.

† 17 August, 1397. Rot. Parliament. iii. 431.

‡ "La mort de dit duc fut *notifié* a tout le peuple si bien à Calais qu'en Engleterre."—*Rot. Parl.* ubi supra.

by the governor. Rikhill reported the contents of the examination. As his body was seen by his family, the general report that he was smothered seems to rest on the most reasonable foundation. A confession, by Gloucester, purporting to be secretly made to the confidential agent of his enemies at a moment of such injustice, could not weigh a feather in the scale. But as it contained only the notorious acts done in full and open parliament in 1386, obeyed by the whole kingdom, and in which his accusers were as guilty as he, there seems no reason that he should disavow them, though his enemies now called them treason. Rikhill complained that it was a hardship to represent him as a Justice, in a case where he acted solely as a messenger. From this last complaint, joined to the dark language of the king's first mandate, to the equally seasonable and sudden death of Gloucester, and from the silence with which the brief return was allowed to pass without the least information, it may seem not improbable that Rikhill prostituted his character by taking part in a midnight trial; in which the avowal of the facts being obtained, by whatever means, the governor of Calais might consider himself as warranted to inflict death on a dangerous culprit in the mode most conducive to public tranquillity.

There are few instances in history of a deadly hatred, hoarded for eleven years by a gay and convivial youth, hidden from the victim under the disguise of smiles and caresses, and at length gratified with more falsehood, more treachery, more inhumanity, a grosser breach of the substance of justice, and a more offensive mockery of its forms, than is exhibited in the murder of the duke of Gloucester. The condition of the ordinary justice of an age may be easily imagined, where such a disappearance of a prince of the blood, and such an insolent withholding of farther information, could be endured by an assembly representing a nation.

The court endeavoured to consolidate their union with the princes. John of Gaunt was propitiated by the recognition of the legitimacy of his children by Catharine

Swynford, the sister-in-law of Chaucer, for all purposes but that of succession to the crown.* His son, the earl of Derby, was created duke of Hereford, and soon after succeeded his father as chief of the Lancastrian party, which, under more than one family of that title, had, since Henry III., constituted the strength of the baronial power.

Elated with these successes, Richard, with the wantonness and giddiness which characterise tyrannical youth, "began," says Froissart, "to reign more fiercely than before." Because a knight belonging to the duke of Gloucester spake against the king and his council, he was taken and beheaded. "In those days there was none so great in England that durst speak against any thing that the king did; he had counsel meet for his appetite, who exhorted him to do what he list: he still kept in his wages 10,000 archers, who waited on him day and night, for he reputed himself not sure of his uncle."† A general murmur now prevailed against the late parliament, as not freely chosen; as managed by the minions of the court; as having, in contempt of faith and mercy, revoked pardons, and confiscated property long legally vested in the owners; as having imposed intolerable taxes and connived at illegal exactions; as being a party to the infamous impunity of the murderers of Gloucester; finally, as abetting the purpose of the king to rule the kingdom according to the counsels of obscure and unworthy favourites. These discontents, also, agitated the greater nobility. The two most considerable men surviving among the leaders of the opposition of 1386 were Henry of Lancaster duke of Hereford and Thomas Mowbray duke of Norfolk, who, though equally impatient of the rule of upstarts, were not likely to have imbibed much confidence in each other from the endless and countless changes which prevailed around them, from which they

* Rot. Parl. iii. 342. As the royal dignity is not comprehended by name, which it was probably held that the king could not comprehend of his own separate authority, no generality or universality of language can extend to the crown by implication.

† Berner's Froissart, ii. c. 227.

were not exempt. In riding from Windsor to Brentford in the month of December, 1397, these lords conversed on the general topic of the king's bad government. Mowbray observed, "We are about to be ruined." Henry asked, "For what?" "For the affair of Radcot Bridge," answered Mowbray. "How can that be, after a pardon?" replied Henry. "As easily," says Mowbray, "as he has recalled the pardons granted to others." The duke of Norfolk at last said that Richard had broken all his oaths.

How this conversation was disclosed does not appear; perhaps from the fear of both parties that each of them might anticipate the discovery. Henry complained to the king against Mowbray, who had falsely charged Henry with having uttered these scandalous words. This appeal was before the parliament at Shrewsbury in January, 1398.* In a few days afterwards Norfolk retorted the charge at Oswestry. The decision was referred to the judgment of God. Wager of battle was joined, and a magnificent theatre was erected near Coventry, where the truth of these accusations was to be tried by single combat. Some of Richard's friends expostulated with him on the danger of such contests between his great lords and the princes of his family. "Why should they not?" said Richard. "Some of my blood have made treaties together against me, and the most principal of them was the duke of Gloucester; for in all England there was not a worse head against me than he. Now I shall have peace from henceforwards." † On the day of battle, however, he declared against exposing two lords so near to him in blood to the perils of the duel; and as the natural sovereign of both, by special grace took the battle into his own hands. He then declared it to be his royal pleasure, for the peace of the king and kingdom, that Henry of Lancaster should avoid the realm for ten years, under pain of death in case of disobedience or unlicensed return; and that Thomas Mowbray, having confessed some charges

* Rot. Parl. iii. 382. † Bern. Froiss. ii. c. 228.

at Windsor which he afterwards denied at Oswestry, should avoid the kingdom for the term of his natural life; that he should dwell in Allmayne, Bohemia, or Hungary, or go on an expedition to the Holy Land, but should not come to nearer parts of Christendom under pain of treason. The king had now obtained the object of destroying those whom he feared. His power was more nearly absolute than that of any prince who had governed England. On the death of John of Gaunt, which soon followed the banishment of Hereford, the crown claimed his immense estates, which the court lawyers represented him as incapable of inheriting after the judgment pronounced against him in parliament.*

At this period Richard undertook one of his splendid expeditions against Ireland, which were more remarkable for the courtiers who followed in his train, than for the valour and discipline of his soldiery. Henry, now duke of Lancaster, took advantage of Richard's absence. Solicited by the discontented lords — well informed of the alienation of the nation from the king — he left Paris, attended by archbishop Arundel and the lords Arundel and Cobham, and being kindly received by the duke of Britany, he travelled through that prince's dominions to the shore, and landed on the 4th of July, 1399, at Ravenspur in Holderness, where he was immediately joined by the martial lords of the northern border, the earls of Northumberland and Westmorland, with such bands of followers as within a few days swelled the numbers of his army to 60,000 men. The duke of York, regent of the kingdom in the absence of the king, was obliged to abandon the capital. Neither he nor his council were able to bring or hold together a royal army. The soldiers refused to draw their swords against a prince who sought not the crown, but the restoration of his inheritance. The regent himself, despairing of the king's fortunes, and probably not without resentment against the murderers of Gloucester, went over to the side of Henry, who still appeared only a champion for public

* Rot. Parl. iii. 383.

liberty and a just suitor for his legitimate patrimony. Henry was received every where with loud acclamations of joy. His march from London against the few advisers of Richard who had forfeited the hope of mercy was a triumphant procession. They surrendered the castle of Bristol, where they had taken refuge; but the cries of the populace for vengeance incited or tempted Henry to bring lord Scroop, Bussy, and Green, who were the most hated among them, to an immediate trial before the court military. In consequence of the slight and summary proceedings of that unceremonious tribunal they were put to death as traitors. As soon as the duke of York had thus embrued his hands in the blood of his late colleagues, he cut off his own retreat and was fast bound to the fortune of his ambitious and politic nephew. Thus an universal defection broke out, in the midst of that general submission and even professed attachment which often lull bad rulers into a supineness fatal to them, till the moment when the shock of some successful resistance or of some unwonted excess reveals each man's feelings to his neighbours, and melts into one mass of revolution all the various and jarring emotions of contempt and hatred, of discontent from a thousand sources of indignation against past wrong, and hope of being secured against its repetition, which at different times and in divers forms a bad government implants and fosters in the hearts of the people.

For three critical weeks Richard remained in Ireland, ignorant of the extraordinary revolution which had destroyed his authority over England. The tidings overwhelmed him. But it was resolved that lord Salisbury should repair forthwith to North Wales with as many soldiers as he, while the king should make the necessary preparations for disembarking at Milford Haven; which, perhaps, from trust in the lingering remains of national spirit among the Britons, has been more than once chosen as a spot on which an invader might try the disposition of the people to espouse his interest. He lingered in Ireland eighteen days longer. During this

interval Salisbury was deserted by his disheartened and impatient followers. Richard, on his landing, went in disguise to Conway, to concert measures with Salisbury, whom, however, he found with a few faithful followers only, who had thrown themselves into the noble castle of Conway,—a stronghold in the wars of that age, almost impregnable, and a position where he could maintain his communications with Ireland. Meanwhile the leaders of the army at Milford Haven, influenced by despondency, and probably by some disaffection, disbanded their troops. Thomas Percy earl of Worcester, the lord steward, broke his white staff, as a token that all authority derived from Richard's commission was expired. At the same time, the king, learning the decisive events at Bristol, and the surrender of all the fortresses on the Scottish frontier to Henry, resolved to take refuge in Conway castle, from which, in case of need, he might escape to Gascony. It became Henry's policy to show a semblance of negotiation, to lure Richard from his fastness. The earl of Northumberland was despatched with a thousand men, secretly posted at some distance, that their appearance might not alarm the king into an escape. Northumberland represented that Henry would be content with a free parliament, pardon, and restoration of inheritance, together with hereditary office of chief justiciary for himself, and condign punishment on the murderers of Gloucester, and all their aiders and abettors. After solemn assurances of safety, ratified by Northumberland's oath, Richard consented to accompany that nobleman to an interview with Lancaster. In his journey he suddenly caught a glance of the soldiers placed in ambush on the road. He expostulated. Northumberland told him it was only a guard of honour. The king claimed his liberty. Piercy, transformed into a gaoler, avowed that the king was his prisoner. At the interview Henry entered the apartment uncovered, and bent his knee for the last time to his royal captive. "Fair cousin of Lancaster," said Richard, uncovering himself, "you are welcome!"—"My

lord," answered Henry, "I am come before my time; but your people complain that they have been governed too rigorously for twenty years. If it please God, I will help you to govern them better."—"Fair cousin," replied the king, for the last time performing the part of king, "since it pleaseth you, it pleaseth me well." He was brought prisoner to Chester, where he was made to issue a proclamation for preserving the peace, and writs for calling together a parliament.* On his arrival in London, he was for one night lodged in his palace, but on the next his body was removed to the Tower, there to continue a close prisoner until parliament should pronounce judgment in his case.

The revolution which followed, though accomplished by a national revolt against misrule, becomes, nevertheless, a memorable event in our constitutional history; and a satisfactory proof of the opinion of our ancestors respecting their government, from the elaborate care which they employed in clothing every part of it in constitutional forms, and in regulating, by the principles of law, those acts which are the least subject to its ordinary jurisdiction.

On Monday the 29th of September, 1399, a deputation of lords and commons, consisting of an archbishop, the earls of Northumberland and Westmorland, Thyrning and Markham, justices, Stowe and Burbage, doctors of laws, with many other ecclesiastics and laymen, waited on the king; and having reminded him of his declarations in Conway castle of his unfitness for government and readiness to resign, he read aloud, say the reporters, "with a chearful countenance," a renunciation of the crown, absolving all his subjects from homage and fealty—"I confess, recognise, and from certain knowledge conscientiously declare, that I consider myself to have been, and to be, insufficient for the government of this kingdom, and for my notorious demerits not unde-

* Rymer, viii 84. The first proclamation is dated at Chester, on the 29th of August; the second at Litchfield on the 26th. The parliament assembled at Westminster on the 29th day of September

serving of deposition."* He added, that if he had the power to nominate a successor, he should have placed his cousin Henry duke of Lancaster on the throne. Not willing, however, to rest the legitimacy of the revolution upon a compulsory resignation, the estates of parliament, on Tuesday the 30th of September, assembled in Westminster-hall, where the acknowledgments and renunciations of the late king, being read over in English and in Latin, were once more ratified by the lords and commons, amidst the applauses of the great multitude assembled in that great hall—the scene of so many memorable and awful events. Still farther to show them the deep foundations of national right, they received thirty-two articles of impeachment against the king; and having unanimously convicted him of these charges, which contain a recital of the principal acts of his reign, they then proceeded, "out of superabundant caution," to add a formal deposition to the apparently voluntary abdication which they treated as valid. In all these bold measures they vigorously observed the usage of parliament and the formalities of the law. On the second day the duke of Lancaster was placed in his seat at the head of the nobility, but the throne was vacant. At the moment, however, of the sentence of deposition, the duke of Lancaster claimed the throne, that no violence might be done to the startling metaphor of an immortal king; by which our laws express the very simple fact, that when the supreme authority, which may constantly be required, is extinguished by the death of one man, the law makes sufficient provision for its instantaneous revival in the person of some other. The claim of Henry was singularly framed to include a false statement of hereditary right, without surrendering the misgovernment, which was the true and sole foundation of the right of parliament.

"In the name of God the Father, Son, and Holy Ghost, I Henry of Lancaster challenge this realm of England, because I am descended by right line of blood

* Rot. Parl. iii. 416.

from the good lord king Henry Third.* The which realm was on the point to be undone for default of government, and undoing of the good laws." Henry was then seated on the throne. †

It seems unaccountable that in a country where the government was established on the basis of such a deposition, it should ever be thought doubtful whether political power was held in trust or as property. No confusion could well have arisen if the moral character of this revolution had been carefully distinguished from its constitutional principles. To try the latter, we must suppose, for the sake of argument, the truth of the matters of fact which were charged against the king; it is only thus that we can try its legitimacy, or ascertain from it the constitutional opinion of the fourteenth century. If it had been unsuspected of ambition—if no crime had subsequently tarnished its fame—its justice at least must have been unanimously owned. However wise or convenient it may be to exempt kings from criminal proceedings, which generally shake society to its centre without the likelihood of their being ever conducted with the calmness and impartiality necessary to justice, it cannot be imagined that an inferior criminality in the acts of kings against their people forms any part of the motive for exempting them from animadversion. A king's conspiracy against the liberty of his people is at least as heinous an offence as a conspiracy of subjects against the authority of their sovereign: of such a conspiracy there is no pretence for acquitting Richard; nor can it be doubted, that he united an irascible temper with deep, lasting, and watchful revenge. These black qualities are very odiously blended in his character with the lighter defects and better humoured vices which were spread over his manners, and served in ordinary times to hide the infernal dispositions which broke out

* Edmund earl of Lancaster, the maternal ancestor of Henry, is represented by that prince, without even a pretence of proof, as in truth the elder brother of Edward I.

† The speech of Merks bishop of Carlisle against the revolution is considered by historical critics as a fabrication.

as soon as those opportunities of revenge presented themselves, for which he could lie in wait for half a life.

HENRY IV.

1399—1413.

The contests for the crown which agitated England during the fifteenth century cannot be easily rendered intelligible, without premising a short sketch of the state of the royal family at the deposition of Richard II. That prince left no issue by his first queen, Anne of Luxemburgh, and the extreme childhood of the infant princess of France to whom he was affianced had not allowed him to complete his nuptials. Had the crown followed the course of hereditary succession, it would have devolved on the posterity of Lionel duke of Clarence, the second son of Edward III. By the decease of that prince without issue male, his possessions and pretensions fell to his daughter Philippa, who by a singular combination of circumstance had married Roger Mortimer earl of March, the male representative of the powerful baron who was attainted and executed for the murder of Edward II., the grandfather of the duke of Clarence. The son of that potent delinquent had been restored to his honours and estates at an advanced period in the reign of Edward III., long after the violences both of his father and of his brother's enemies had subsided.* Edmund, his grandson, had espoused Philippa of Clarence. Roger Mortimer, the fourth in descent from the regicide, was lord lieutenant of Ireland, and was considered, or, according to some writers, declared, to be heir of the crown in the early part of Richard's reign. Edmund Mortimer earl of March, in

* 28 Ed. III. Dugdale, i. 147.

whom the hereditary claim to the crown was vested at the deposition of Richard, was then only an infant of ten years of age.* Educated from childhood in a mild and honourable prison at Windsor, he faithfully served the Lancastrian princes till his death, which took place in the third year of Henry VI. Dying without issue, the pretensions to the crown, which he inherited through the duke of Clarence, devolved on his sister Anne Mortimer, who espoused Richard of York earl of Cambridge, the grandson of Edward III. by his fourth son Edmund of Langley duke of York. But it is obvious from the above brief pedigree, that during the life of Mortimer, who died in 1425, no pretension to the crown had accrued to any branch of the house of York.

Henry IV., the grandson of Edward III. by his third son, could have no such pretensions, and he betrays his consciousness of the infirmity of his alleged title by the bare and certainly false assertion on which he laboured to engraft his claim. But he was a man of capacity and vigour at the head of an unresisted army, the chief of the baronial party, and the heir of the fame and possessions of John of Gaunt. He was the idol of the populace, and the master of the parliament. Thus circumstanced, who could have ventured to dispute his legitimate accession, even if the earl of March had then the power, or the house of York had at that time acquired the right of being allowed to contest his title.

The first acts of Henry manifested the policy with which he linked his own accession with the resistance to misgovernment in the late reign, and gave some earnest of that popular and parliamentary spirit which, if it did not always distinguish the measures of the house of Lancaster, was generally their avowed principle, and formed indeed their only tenable ground against the doctrines of

* "In the parliament holden in the 9 Rich. II., by reason of his descent from Lionel duke of Clarence, declared heir apparent to the crown."—*Dugdale*, i. 150.

Dugdale quotes Leland's Collectanea for his authority, and I find no intimation of such a transaction in the printed rolls. To declare any man "heir apparent" must be an improper expression, especially under a young unmarried king.

unalterable succession and divine right, which afterwards encouraged the Yorkists to style the three Henries of Lancaster "actually but not rightfully kings of England."

The first parliament reversed the attainder of those who had revolted against Richard, confirmed and renewed the severities adopted against that monarch's ministers and judges, and condemned, as subversive of the constitution, all the maxims on which his encroachments were vindicated. Henry of Monmouth, the king's eldest son, was created prince of Wales, as an indirect mode of recognising his father's just possession, which was not deemed sufficiently questionable to require a more positive acknowledgment. The lords, who by appealing Gloucester had really facilitated his murder, were moderately punished by the forfeiture of that part of their dignities and estates which had been granted to them as the price of blood.

The political character of the permanent laws passed in Henry's first parliament is praiseworthy. They prohibit the distribution of *liveries*, by which the barons covered the country with the badges of their adherents, and exposed the public peace to constant disturbance. They annul the grants of land by the king's letter patent, without title legally found in the crown, by which landholders were dispossessed of their estate; a monstrous practice, sufficient of itself to characterise the deposed government, which rendered the king the absolute master of the lands of his subjects. "And whereas," says that parliament, "divers pains of treason were ordained by statute in the twenty-first year of king Richard, insomuch that no man did know how he ought to behave himself, to do, speak, or say, for doubt of such pains; it is accorded that in time to come no treason shall be judged otherwise than as it was ordained by the statute in the time of his noble grandfather king Edward the Third *, whom God absolve." So much had experience already begun to endear that

* Stat. 25 Ed. III.

famous statute to the nation. Appeals in parliament,— the murderous weapons used by both parties against each other in the last reign,— were prohibited; an act which dried up an abundant source of disorder and injustice. This assembly also manifested knowledge and judgment beyond their age, in confirming a statute of Richard for the protection of aliens bringing provisions into the kingdom, with which the fishmongers of London, to secure their own monopoly in the markets of the capital, had bribed that needy and short-sighted prince to dispense.*

It has seldom happened that the same preference of the consumers of provisions, who are the community, over the producers of provisions, who can only be a part of it, has guided the deliberation of the legislature; to say nothing of the superiority to prejudices, vulgar but still prevalent, which is shown in liberal justice toward foreigners, and in a clear discernment of the reciprocal advantages of commercial intercourse. But in the perusal of our ancient history, it is our painful lot to see the blackest spots often tarnishing those periods in which the public principles and measures of our forefathers shine forth with a lustre which might not infrequently shame their descendants. In competitions for the crown, no deed which they deemed necessary was regarded by them as unjust. It required, perhaps, a longer experience than theirs, more reflecting minds, more moderated passions, to see that crimes cannot be useful, and that the example of one murdered competitor, though for a moment it removes one enemy, may open a thousand sources of disorder and mischief for ages.

On the 23d of October, 1399, the parliament, in consequence of a message from the king desiring their advice how to preserve the life of Richard with safety to the quiet of the nation, delivered by the archbishop of Canterbury, formed themselves into a secret committee, in which the earl of Northumberland proposed, and the committee agreed to advise Henry, "that the late king

* 1 Hen. IV. c. 17.

should be placed in sure ward, in a place not resorted to by any concourse of people; that he should there be watched by trustworthy guardians; that none of his familiar friends should be admitted to his person; and that the whole of this transaction should be conducted with all attainable secrecy." *

To this mysterious and ambiguous instrument, which prescribed a degree of secret imprisonment incompatible with watchfulness for the safety of the prisoner, were affixed the names of fifteen bishops, seven mitred abbots, eight who might be called magnates, twenty-six barons, and nine who might perhaps be termed gentry. Among them was the name of the duke of York, the uncle of Richard, who had been regent for him two years before; and Henry was not ashamed to place the name of the prince of Wales at the head of a band who had thus entrusted his predecessor to his mere humanity, without the possibility of any effectual precaution against the worst purpose which he might harbour. "On Monday the 27th of the same October, the king being present in parliament in the great hall of Westminster, it was determined by the lords spiritual and temporal, that Richard late king of England be adjudged to perpetual imprisonment, there to remain in safe ward secretly, in the manner above mentioned." †

That so important and dangerous a prisoner, thus so confined that it was impossible for any, but by the permission of those who had an interest in his destruction, even to know where he was imprisoned, should soon after disappear, and be believed to die, without any enquiry into his death, or even relation of its circumstances by the government which dispossessed him, might of itself, with little direct testimony, be regarded as

* Rot. Parl. iii.

† Rot. Parl. iii. 426. It is observable, that these being considered as *judicial* proceedings, the commons were held not to be parties to them. But at the very moment of this partial exclusion, nothing can be more ample than the acknowledgment by the king and lords that the commons possessed equal rights of taxation, in legislation, and of counsel to the crown.—"Sauve qu'en estatuts à faires, ou en grants et subsides, ou tiels choses à faires per commun profit du royaume, le roi voet avoir especialement leur davis et assent."—427.

sufficient proof of his murder. "Every man," says Froissart, "might well consider that he should never come out of prison alive." * The same lively writer informs us, that "how Richard died, and by what means, I could not tell when I wrote this Chronicle."

His fate seems, however, to have been hastened and ensured by a conspiracy of his adherents for restoration. The lords who had appealed Gloucester of treason, at the head of whom were the earl of Rutland, eldest son of the duke of York, and the earls of Huntingdon and Kent, maternal brothers of Richard, subscribed an indenture, by which they bound themselves to each other for co-operation and secrecy. Huntingdon and Kent invited Henry to a joust at Oxford, where, in the midst of the sport, they were to place soldiers in ambush, ready at a signal to rush on the king and put him to death. Rutland, in the mean time, waited on his father, who, by some accidental glance, spied a paper of suspicious appearance ill-concealed in the possession of his son. He desired to see it. Rutland's earnest refusal stimulated his father's curiosity. The old prince tore it by violence from his son's breast, and threatened to lay it before the king. The son, smitten by fear, or, as he said, by conscience, hastened to Windsor to betray the plot. The king not arriving at Oxford, and there being no tidings of Rutland having reached his confederates, they precipitately brought together such troops as could be found, and marched northward, with the declared purpose of delivering Richard, who had been removed from Leeds castle in Kent to Pomfret castle in Yorkshire.

At Cirencester they were overtaken and completely defeated in a nocturnal attack by the inhabitants of the town, who beheaded the earls of Kent and Salisbury. Lords Lumley and Le de Spencer met the same fate from the people of Bristol. The earl of Huntingdon was put to death by Gloucester's tenants, at Plashy, in revenge of the murder of their lord. The death of Richard seems to have immediately followed this unsuc-

* Bern. Froiss. ii. ch. 249.

cessful rebellion, without which it cannot be positively affirmed that his destruction would have been accounted necessary at that time. The period, the means, and the circumstances of this murder are involved in tragic darkness: not a thought of inquest into it was allowed to be breathed. It is ascribed by some to a scene of violence, in which a certain sir Pierce of Exton at last destroyed the unfortunate though unworthy son and grandson of two great men. The more probable account is, that he died of hunger; to which, according to some accounts, he was condemned by the king, and which, if we may believe others, was a voluntary abstinence to which he was driven by despair. The learned poet, whose power of language sinks under the description of a cruelty so fiendish, has thrown the weight of his authority as an historical enquirer into the scale of a murder by compulsory abstinence from food.*

The body was carried to London, and exhibited to the people with the lower part of his face uncovered, to ascertain his identity. Henry attended his obsequies at St. Paul's. The corpse was interred at Langley, but removed to the royal sepulchre at Westminster by Henry V.

* Close by the regal chair,
Fell Thirst and Famine scowl
A baleful smile upon their baffled guest.
The Bard.

The testimony of Scrope archbishop of York, the nearest witness to the time and place of the murder, is so explicit, that I insert it, — "Regem Ricardum ad castrum de Pomfret deduxerunt, ubi breviter, ut vulgariter dicitur, quindecem dies et totidem noctes in fame, siti, ac frigore vexaverunt, et tandem morte turpissima adhuc regno nostro incognitâ, sed gratia divinæ diutius non celanda interemerunt et occiderunt."—*Art. Hic. de Scrope contra Hen. IV. Whart. Ang. Sac.* ii.

A Scrope was beheaded at York in June 1405 for his share in the Percy revolt, of which the above articles were intended to be the manifesto, he must be considered as a contemporary witness who had the best information. I do not, with some modern writers, understand the words "as is commonly said" as a qualification of all the circumstances, but as being limited only to the time in which the king was starved to death. The archbishop is so far from doubting the murder, that he pours out just invective against its enormity, and excommunicates Henry as the murderer. Thomas of Walsingham, who was also a contemporary, ascribes the death to famine, though he describes the abstinence to be voluntary. "Semet extinxit inediâ voluntarjâ, ut fertur, apud castrum de Pontefracto die Sancti Valentini." The voluntary character of the abstinence seems to be the fact which the historian relates from general rumour.—*Cambd. Anglica*, 361.

Notwithstanding the public circumstances of Richard's funeral, rumours that he was still alive in Scotland* disquieted the early years of Henry's reign. One Maudelein, who had served in Richard's household, sir Roger Clarendon, and a considerable number of priests, were executed for spreading this dangerous rumour, of which all men disaffected to the government availed themselves. The Percies, who had enthroned Henry, after one of their most triumphant inroads into Scotland, began to be dissatisfied with the administration of a king on whom they had conferred benefits so heavy, as rather to mortify the pride and awaken the fears of princes, than to command their gratitude. It is probable, (for there is no remaining proof of their objects,) that they thought their leader likely to become a master, while he dreaded them as rivals rather than esteemed them as supporters. They took up arms against him in March, 1403, supported by a body of Scotch under earl Douglas, and not a little encouraged by the various rumours of the late king's fate, which distracted and disheartened the adherents of Henry. Before these chiefs encountered the royal standard, they published a defiance, in which they charged Henry with having put Richard to death by the torture of hunger and thirst protracted for fifteen days; and they for the first time, in these contests, alluded to the formidable name of Mortimer, of which family only the hereditary claimant of the crown could be a member.

In the battle of Shrewsbury, on the 21st of July, 1403, one of the most bloody actions in our ancient history, the Percies were defeated, after a brilliant display of their characteristic valour, and ten knights and 1600 soldiers were killed in the royal army. Of the insurgents, lord Percy, with 200 knights and 5000 soldiers, was slain. Lord Percy, to whom interment was allowed, was afterwards dug up, in order that the quarters might be placed in conspicuous places. Lord Worcester and two

* Rymer, viii. 261. "Quod dominus Ricardus adhuc vivit in Scotia." 5 Jun. 1402.

other gentlemen were beheaded on the field. Worcester's head was spiked on London bridge. Northumberland himself was mercifully treated by Henry.

It appears from intercepted letters, that before the battle Percy had sent plenipotentiaries to the kings of France and Scotland to solicit their aid. In a letter to the duke of Orleans, he informs that prince that his object "is to maintain the just quarrel of my sovereign lord king Richard, if he be alive; and if he be dead, to avenge his death." *

The insurrection of the northern chiefs was chiefly kept up by the successful valour of Owen Glendower, a gallant gentleman of Wales, descended from the ancient British princes, who was educated a lawyer in London, and had served the late king as one of the esquires of his household. He adhered to his unfortunate master till that prince's surrender had in effect released all followers.

He had been engaged in a dispute about the boundaries of his lordship of Glendowrdy, with lord Grey de Ruthyn, an Anglo-Norman whose seignories lay immediately adjoining. Being refused what he thought justice in the first parliament of Henry, he made lord Grey prisoner, and laid waste his barony. The revolt, which was at first confined to North Wales, terminated in a general amnesty, with no other exceptions than Owen of Glendowrdy, Rice ap Tudor, and William ap Tudor. † Welshmen were forbidden to reside in the towns of the marches, they were disabled from becoming citizens or burgesses in any part of the kingdom, and they were rendered incapable of holding lands: for three years no Englishman was to be tried in Wales, except by judges and juries; a provision differing little from an universal denial of justice. ‡ In the midst of these acts of proscription the uplifted arm of Glendower was not disregarded by his enemies. The king granted a formal licence to lord Grey to purchase his liberty from the

* Rot. Parl. iii. 615. † Rymer, viii. 181.

‡ 11 Hen. IV. chap. xii. xvi. xvii. xviii. xix. xx. Statutes of the Realm, ii. 124—129.

Celtic chieftain by the payment of a liberal ransom. The prophetic songs of Merlin once more resounded through his country in honour of a Welsh hero. An ordinance * was passed by the king, to prohibit minstrels, bards, and rhymers from infesting the territories of Snowdon, where the remains of a national spirit still glowed.

Sir Edmund Mortimer, the uncle of lord March, had been sent at the head of some troops against the Welsh. Owen defeated and made him prisoner. Henry could not be persuaded to take measures for the ransom of a Mortimer: but the long confinement of that prince disposed him to be a partizan of Owen, to whose union with the Percies he is believed to have contributed.

The spirit of Glendower actuated the numerous classes of his countrymen whom their various pursuits had now spread over England. "On the 21st of February, 1401, the commons complained to the king and lords in parliament, that the Welsh scholars who studied at Oxford and Cambridge had departed to their own country, to aid the rebellion; and that even the Welsh labourers, in every part of the country, having provided themselves with armour, bows, and other implements of war, had escaped to Wales, doubtless for rebellious purposes. † The English writers tell us of the horrible indignities offered by Welsh women to the remains of the English soldiery. The fact, if it be true, is a signal mark of the odium to which the English administration of Wales had exposed themselves: nor can such excesses ever be lawfully objected to the Wallaces and Glendowers, unless it could be maintained without absurdity, that uncivilised nations must not be roused for the defence of their most sacred rights, because they, in their just warfare, follow the usages as much as adopt the weapons of their age and nation. Such was the terror of Glendower's name, that the king publicly attributed his successes to necromancy. Owen, under the title of prince of Wales, sent ministers, with powers, dated at Dolgelly

* Ordonance de Gales. Rymer, viii. 184. † Rot. Parl. iii. 457.

in the fourth year of his reign *, to conclude an alliance with Charles king of France. No one who has not diligently perused the series of Henry's proclamations can adequately conceive the alarm legible in them at the victories of the Welsh prince, who held his throne by a more undisputed assent of all his subjects than Henry of Lancaster could truly boast. Worsted, if not defeated, by the mountaineers, he gave perhaps a stronger proof of apprehension, by raising to the new dignity of lord lieutenant of Wales his gallant son Henry of Monmouth; to whom he entrusted the conduct of the war, the right of commanding all fencible men in the border counties of Salop, Worcester, Hereford, and Gloucester, together with the highest prerogatives of justice and mercy. † The young hero gained a victory over Owen's son, at Grosmont in Monmouthshire, and reduced the castle of Lampeter in Cardiganshire. In the fourth year of that prince's reign he lost the whole country of South Wales. It is from accidental mention of this brave man that we discover those traces of his "unconquerable spirit" for which we look in vain in the writings of his ungrateful countrymen. He was excepted from Henry's pardon in 1411. ‡ In the ensuing year, David Gam, an apostate Welshman of distinguished prowess, is licensed to obtain his liberty by payment of a ransom to Owen. § Three months before the battle of Agincourt, Henry V. commissioned his celebrated captain sir Gilbert Talbot to treat with the still unconquered Glendower. || And three months after that victory, such was either the generosity of the English monarch or the virtue of the Welsh chieftain, perhaps such was the effect of both qualities united, that the same illustrious officer was again empowered to make peace with Owen and his adherents. ¶ It is consolatory to all lovers of their own country to see the

* th May, 1404, in Rymer, viii. 356. The treaty itself was concluded at Paris on the 14th of June following. Ibid. 365.

† Rymer, viii. 411. Commission 7 March, 1403; and the like commission to his son Thomas of Lancaster to be lord lieutenant of Ireland.

‡ Rymer, viii. 711. § Ibid. 753. || Rym. ix. 283. 5 Jul. 1415.

¶ Rym. viii. 331. 24 Feb. 1416.

champion of his people thus preserve his dignity to the last glimpse of his glorious character which history can perceive.

Many years afterwards the memory of Owen was still fresh in the minds of his enemies, however it might be disregarded by his thankless or broken-spirited people. In the year 1431 the commons besought the lords to enforce the forfeiture of the lands of Owen Glendower, whom they style a traitor excepted out of general pardons; of whom, as if to mark the nationality of his cause, they said that his success would have been "to the destruction of all English tongue for evermore." *

The position of Henry with respect to the succession was difficult; it was evidently a point neither to be disregarded, nor to be needlessly forced into discussion, more especially as the union of the heiress of the house of Clarence with the chief of the house of York had not then occurred. In the first parliament of Henry, when he created his son prince of Wales, that youth was crowned, and recognised as heir apparent. † In 1404 he ventured to touch this delicate spring again, by obtaining from the parliament an acknowledgment that the right of succession to the crown would be vested in the prince's brothers, if he should himself die without heirs. This more extensive recognition of succession in the house of Lancaster seems to have been a politic device for excluding the dreaded Mortimers, without betraying any apprehension of their title. The substitution of other names in the order of succession sufficiently excluded them without an explicit declaration to that effect. Persons enough were named, to exclude the likelihood of a failure in the succession. The revolution, considered in itself, might wear the semblance of a personal choice of Henry, unless it were followed by a provision for the succession of his son carrying with it an authority equal to that which established himself. Females were passed over in silence, though the king

* Rot. Parl. iv. 377. 9 Hen. VI.
† Rot. Parl. iii. 426. 436.

had two daughters; probably with the double purposes of throwing a slur on a descent through females, through which the Mortimers could make a claim, and of making a new precedent for that right of parliament to alter the succession, which was the true and solid foundation of the pretensions of Lancaster. In 1406 he made a farther step, by assenting to a petition of the commons for limiting the crown expressly to his sons and their heirs male.* Shortly afterwards, however †, induced either by the fear of weakening the king's pretensions to France by females, or apprehensive of the unforeseen mischiefs which might spring from interweaving an untried novelty with the Lancastrian succession, the king returned to his original caution, and the last proceedings were cancelled; so that the statute book now contains no traces of them, and they are only known to us by the rolls of parliament. ‡ The greatest historian of modern times, in his account of this measure (in effect much resembling the settlement of the crown on the house of Hanover), has yielded to the temptation of a lively turn of expression, by calling it an attempt to introduce the salic law into England, — a form under which it could not be grateful to the Lancastrian princes, who were now once more meditating its overthrow in France.

The last years of Henry were darkened by distemper, and not distinguished by vigour. Though his son had early showed his great capacity, yet it is probable that the popular tales of his youthful freaks, which have been preserved by the genius of the greatest of poets, are not wholly without foundation. Many aspiring youths before him have mixed pleasure with ambition. The king is said to have been jealous of them. Monstrelet relates that one day, when illness made him insensible, he was displeased, on his recovery, at finding the crown removed by his son from the cushion by his side, where it was usually placed. The prince appeased him; but he said, "Alas, son! how can you keep the crown to which you

* Rot. Parl. iii. 525.
† Ibid. 575. 7 June, 1406.
‡ Ibid. 580. 22 Dec. 1406.

have no right?"—"With the sword you won it—with the sword I will keep it."

Sir William Gascoyne, chief justice of England, was supplied by the prince of Wales's folly with a signal opportunity of manifesting his judicial independence. This eminent person had before refused to officiate in the illegal trial of archbishop Scroop at York. At a later period young Henry was brought before him, for the share of his associates in some of those midnight brawls with which they were wont to disturb the streets. The prince required that his comrades should be enlarged: Gascoyne was inflexible. Henry drew his sword on the judge; but as soon as that magistrate ordered him to be led to prison, he obeyed. The father rejoiced that he had fearless judges, and a son who, though impetuous, was easily recalled to obedience.

He had been subject to eruptions in his face, and attacks of epilepsy; one of which carried him off at the Jerusalem chamber at Westminster, on the 20th of March, 1413, in the fourteenth year of his reign, worn out prematurely by solicitude and toil, in the forty-seventh year of his age. Few candidates for power have united more wariness and watchfulness with daring strokes of policy. He shrunk from nothing necessary to his ambitious purposes, and probably was not willing to do what was not absolutely necessary to their success. Men were then, however, very indulgent to such deeds. The measure of state necessity in the fifteenth century was larger than it is ever avowed or often deemed to be in the nineteenth. His title being exclusively founded upon a revolution, he was compelled to adopt popular principles, and to magnify the parliamentary authority, from which his own was derived. His most arbitrary measures were proposed under colour of a necessity, which prevented them from growing into precedents subversive of the constitution. The princes of his house, by patronising principles favourable to their own title, promoted the subsequent progress of liberty; although their measures of government, considered in their mo-

tives and in their immediate effects, are entitled to no more commendation than those of most other monarchs of their age.

After the accession of Richard II. there are no examples of any pretension to lay new and general taxes on the people, otherwise than by the estates of parliament. The parliamentary power of the purse, though often eluded by various devices, was in the year 1400 as much an acknowledged principle of the legal constitution as it now is. The Lancastrian reigns are free from a complaint that it was invaded or threatened.* The right of the commons to appropriate supplies to specific services, first regularly introduced in the minority of Richard II., was exercised without resistance under the parliamentary king.† In this reign, as well as in that of his son, parliaments were almost annually holden; and Henry IV. only delayed the success of the commons in their first attempt to make a redress of grievances a condition preliminary to a grant of supply.‡ The two houses entered a protest on record against the practice of suspension of statutes, or general dispensation with them. The memorable reformation of 1406, which required the king to govern the realm by the advice of a permanent council, who, being present, took an oath in parliament to observe and defend the reformed institutions, has been justly characterised by the highest authority as "a noble fabric of constitutional liberty, hardly inferior to the petition of right." §

The petitions or bills, for they were synonymous terms, presented by the commons, had been allowed in their early period of simplicity and inexperience to be clothed by the judges, at the close of each session, in that legal

* "Under Henry IV I find no complaint of any imposition set on merchandise. It concerned him to be pert to the people." — *Sr Matthew Hale on Customs*, chap xi. In chap. xii xiii & xiv the same important remark is applied to Henry V. & VI. The opinions of Hale were often those of a tory philosopher, but his knowledge made him frequently a whig lawyer.

† Whoever peruses the record Rot. Parl. iii. 546. & 548, will find that the house which styled itself "your poor commons" were not withheld by that humble language from any needful act of vigour.

‡ Rot. Parl. iii. 458. The evasive tenor of his negative is not unworthy of observation. "Le roy ne veoit ascunment chaunger les bons coustumes et uses faits et usez d'auncient tems."

§ Hallam's Middle Ages, i. 304.

language in which the unlettered commons were inexpert; a practice conducive indeed to brevity and precision, but presenting too many facilities for fraud to be trusted to human integrity. In the year of the victory of Agincourt, the legislative rights of the house of commons were completed and secured, by shutting the door on this fraud, in a document remarkable as the first act of that assembly composed and recorded in the English tongue, which provided that "from this time forward, by complaint of the commons asking remedy for any mischief, there be no law made thereupon which should change the *sentence* (meaning) by addition or by diminution, or by any manner of term or terms." The king granted that from henceforth nothing be enacted "to be petitions of his commons that be contrary to their asking, whereby they should be bound without their assent." * Privilege of parliament — a mode of expression which seems to comprehend the exemption of members from such judicial proceedings as impede their parliamentary functions, together with an exclusive jurisdiction of either house over offences, whether by their own members or by others, which peculiarly and manifestly tend to impair the authority and obstruct the duties of parliament; a principle in later times unpopular, but which was undoubtedly for ages the coat of mail under cover of which the commons marched through so many fierce and puissant foes, — owed its origin to the famous instance of Thorpe the speaker, in which the judges declared "that they would not determine the privilege of the high court of parliament, of which the knowledge belongeth to the lords of parliament, and not the justices." The tremendous right of impeachment began to re-appear as the same reign more nearly touched civil war, like a portentous meteor at the approach of a storm.

New laws to regulate parliamentary elections attested the rapidly growing importance of the commons. In 1406, a statute was passed "on the grievous complaints of the commons against undue elections for shires, from

* Rot. Parl. iv. 22

the partiality of sheriffs;" directing, "that the next county court, after writs for parliament are delivered, proclamation shall be made of the day and place of the parliament, and that all they that be there present, as well suitors duly summoned as others, shall proceed to the election freely and indifferently, notwithstanding any request or command to the contrary."* As the avowed object of this statute seems to be, not to alter the right of suffrage, but to prevent clandestine elections where the sheriffs might nominate the members, it appears reasonable to interpret the words as importing that all freeholders present should vote, whether they were duly summoned or designedly unwarned, and whatever the mode of summons in these beginnings of parliament may have been. In the first year of Henry V., knights, citizens, and burgesses were required to be resident in the places where they are elected †; and under Henry VI. the important alteration was made which restricted the right of suffrage to freeholders possessing free tenement to the yearly amount of forty shillings above all incumbrances.‡ The reason assigned for this statute in the preamble is the disorder and riots of popular elections; which by no means requires so immense a reduction as that from all men to a few freeholders then accounted wealthy. There is no evidence of a right of suffrage so extensive as the former having obtained in any English election; whereas an elective right in freeholders, however small their tenement, still subsists in the not unlike instance of a coroner.

The electors in towns appear, as far back as we can trace them, to have been of the same variety of classes as in later times. In some places freemen, in others officers, of a corporation; elsewhere, freeholders, burgage tenants, inhabitants contributing to public expense or other inhabitants with scarcely sufficient qualification of property to afford a presumption of fixed residency,—these, and combinations of different sorts of them, were the principal classes among whom the elective franchise

* 7 Hen. 4. c. 15. † 1 Hen. 5. c. 1. ‡ 8 Hen. 6. c. 7.

was in the earliest times shared. The sheriff was required, in general language, to cause all the towns in his bailiwick to contribute towards the representation. Under Richard II.* a fine was imposed on a sheriff who did not literally obey the writ. But many boroughs, and some shires, were unable to pay the daily wages of four shillings to the knight, and two shillings to the burgess. Northumberland twice pleaded inability, from the ravages of the Scottish wars: all the boroughs of Lancashire were exempted on the like ground for nearly a century. At the accession of the house of Lancaster, some discretion in the selection of towns for representation continued to be exercised, from a species of necessity, though it was contrary to law. No general principle seems to be methodically adhered to. Inconsiderable places sent members from the commencement. But, in the ancient history of the constitution, we find no examples of great towns unrepresented. The variety of elective rights, and the various proportions of influence over elections arising thencefrom to different classes of the community, have been warmly discussed; some regarding them as unseemly blemishes, and others as practical advantages; neither party, perhaps, comprehending in its system all the objects which the irregular and confused institutions of our ancestors had, in process of time, succeeded in slowly blending.

The most unhappily memorable act of Henry's legislation was the statute against Lollards, which condemns to be burnt all who, being convicted before the diocesan of falling into heresy, shall either refuse to abjure their impious errors, or relapse into them after previous abjuration. † This persecution was formally carried into effect by a process *de heretico comburendo*, which necessarily issued upon a certificate of obstinate or relapsed heresy by the diocesan, and which commanded the sheriff or other local magistrate to commit the offender against the divine majesty to the flames. Some of our ancient awyers lay it down that such was the punishment of

* 5 Ric. 2. s. 2. c. 9. † 11 Hen. 4. c. 15. Stat. of the Realm, ii. 125, &c.

heresy by the common law*: an assertion easily made, and with difficulty brought to the test of evidence; which, in the lax language of a rude jurisprudence, imported, perhaps, nothing more than that before the statute, heresy would not, or did not, pass with impunity.

Besides the texts of the canon law, and the abused authority of misunderstood Scripture, the Roman code retained so great an ascendant in the west as every where to furnish a plausible warrant for intolerance. For whatever the origin of the persecutions, either by pagan or christian emperors, may have been, (a question to be numbered among the darkest in history,) the successors of Constantine have left abundant proofs that there was no crime which they deemed it more just to punish than heresy, and that there was none in which they seem less to have doubted the efficacy of punishment as a preventive or a remedy. Glimpses of a better spirit are, indeed, still discoverable in the earlier emperors, seemingly influenced more by indifference than by impartial justice.† All heretics were early punishable with the utmost severity which was compatible with life. The Manichæans, and all obstinate teachers of heresy, were punished with death. ‡ The language of these legal denunciations is so inflamed by hatred as to have more of the character of popular invective than that of the cold-blooded contrivance of lawyers generally rather mercenary than bigoted. The Roman law, being the common law of Europe, was sufficient to spread these persecuting principles over Christendom. The peculiar fierceness of Justinian against the Manichæans facilitated the application of the imperial laws to the Albigeois, who were supposed to have among them some remains of these ancient and obnoxious sectaries, and even to the Lollards, who seem to have had nothing in

* Fitzherbert de Naturâ Brevium.

† "Hoc moderamine principatus inclarult (Valentinianus) quod inter religionum diversitates medius stetit, nec quemquam inquietavit, nec inter dictis minacibus subjectorum cervicem ad id quod ipse coluit inclinabat."—*Ammian. Marcel* lib. xxx. c. 9.

"Testes sunt leges, a me in exordio imperii mei datæ, quibus unicuique quod animo inhibisset, colendi libera facultas tributa est."—*Cod. Theod. de Maleficis.*

‡ Cod. lib. i. tit. 1. de Summâ Trinitate, et tit. 2. de Hereticis et Manichæis, *passim.*

common with the followers of Manes but the austerity of their lives, and the war which they waged against the corruptions of the clergy.

The spirit of the juridical heresy with which the English barons were wont to regard the Roman code, may probably have rendered it more necessary to introduce persecution by an express law than it could be thought in the regions which still retained the whole system of Constantinopolitan legislation. It is apparent, through the reigns of Richard and Henry, that the disposition of the popular barons, of the people, and of the rising house of commons, was favourable to bold and independent inquiry, though the major part had not explicitly adopted the doctrines of the reformers. John of Gaunt was friendly to Wickliffe. Chaucer did not, indeed, assail the priesthood with the terrific energy of Dante; but he made monks objects of derision and scorn to the unlettered multitude, who could learn nothing but in their own language, and on whose minds truth could hardly be engraved without so keen an instrument as the caustic satire of the great poet.

The laws against the Lollards were not suffered to slumber. Such, indeed, is the inherent malignity of such legislative war against bodies of men for religious belief, that they execute themselves by the evil passions which they beget towards their unhappy objects. A people speedily unlearns compassion, and even justice, to those who are pronounced by the lawgiver to be undeserving of trust. In the reigns of both the Henries, considerable numbers suffered death. Sir John Oldcastle, Lord Cobham, was the most conspicuous of the first heretics, or, in other words, of the first who preferred death to insincerity, under the new law for burning heretics. His rank and military reputation enhanced in some respects his merit, and gave more efficacy to the example of his martyrdom. Henry V. laboured to soften Cobham's determination, and entreated him to submit his private judgment to that of the universal church. It was only after his courageous refusal

that he was abandoned to archbishop Arundell, the fiercest persecutor of the Lollards. The accounts preserved of his trial show him to have possessed calmness of temper and presence of mind. Far from provoking or defying his judges, he treated them with decorum, and even seems, with respect to the most important point in dispute, much more desirous of dwelling on their agreement than on their differences concerning the real presence of Christ's body in the Lord's supper. It was only when they pressed him with all the subtleties and stratagems of their schools that the pious soldier brought out the part of his doctrine most displeasing to them. "The sacrament of the altar," said he, "is, after consecration, both Christ's body and bread also." * He was convicted and condemned, but escaped from his prison. A design of rescuing him was imputed to the whole Lollard party. He was charged with preparing a general revolt, and for that purpose with having assembled 20,000 insurgents. Henry and his parliament accused him of a levelling conspiracy against property as much as against government, and declared that the heretical faction intended to make him regent of the kingdom. But these were accusations which no man dared to confute, and of which the most complete confutation could not have saved him from perishing by the flames as a heretic; a punishment which clearly enough shows the nature of his alleged offence.† Whether some of these unhappy men had formed projects of resistance against laws which, towards them, were proscriptive and murderous, is a question of small importance to the moral estimate of the contending parties. He was not retaken till 1417, when he was executed under the avowed authority of the declaration of the archbishop and his provincial synod, that Oldcastle was an incorrigible heretic. ‡

* Fox, 540.

† The account of Cobham by Dugdale (Baron. ii. 67.) is a curious specimen of the genealogist's toryism, which, in this instance, prevailed over his principles as a protestant, and his panegyrical habits of writing as a herald.

‡ "Relinquentes eundem Joannem Oldcastle tamquam hæreticum judicio seculari."—*Rymer*, ix. 66. *Archbp. Chicheley to his Suffragans.*

HENRY V.

1413—1422.

From the year 1360, when the treaty of Bretigny was concluded, it had been the aim of the English government, in moments of strength and prosperity, to obtain the cessions which that treaty stipulated, or at least to render it the means of procuring advantages from France. During that half century there had been many cessations of arms, and little active warfare. But the Plantagenets never relinquished the hope of re-establishing their dominion in the native land of their race. The disorders of France offered a favourable opportunity for a young prince like Henry to be formidable abroad. To become so, he rightly thought that he must be popular at home. He released his cousin the earl of March from the constraint under which that prince, the undoubted heir of Edward III., had been held by the jealous temper of Henry IV. Educated at the court of Richard II., he brought his body from the place of interment at Langley to the royal repository at Westminster, where he built a monument over the remains of that misguided monarch. The Percies, long exiles in Scotland, he restored to their vast possessions, and even once more intrusted them with command over their martial vassals.

Nothing, on the other hand, could be more tempting to his ambition than the miserable condition of France. The insanity or imbecility of Charles left the country without a ruler, and the nation without legal means of establishing a government. The institutions of the Teutonic nations were so entirely dependent upon usage, that, though they were all governed by hereditary monarchies, they had made no provision for any suspension of regal power, except that which arises from death, and which must soon grow into a custom. No law of regency, in cases of disability from disorder of mind, had

been established any where, though, in our own time, England, Russia, Spain, Portugal, Denmark, and Sweden have shown that a mental incapacity for the most ordinary acts is no infrequent misfortune of sovereigns. In the reign of Charles VI., France was distracted by contests for the regency, first in his minority, and afterwards during his long alienation of mind. The death of Philip the Hardy, duke of Burgundy, in 1404, whose power and prudence had hitherto preserved some tranquillity, removed the last curb from the passions of the competitors for the custody of the distempered king. The contest chiefly lay between the duke of Orleans, the king's brother and presumptive heir, on one side, and, on the other, the young duke of Burgundy, whose rich and wide possessions rendered him the most potent member of the house of France.

The situation of the court was embroiled by those glimpses of reason, seldom wanting in mental alienation, which give fallacious indications or treacherous hopes of recovery; which, if they should, in the case of a king, be either lightly credited or sternly disbelieved, may alike expose a country to confusion. In one of these almost lucid moments, Charles VI. was persuaded to summon a great council, to which the duke of Burgundy, with a strong escort, repaired, and was received by the populace with an applause which manifested their abhorrence of Orleans and the queen, who were compelled to fly from Paris, and to throw down the reins of government. He obtained possession also of the infant dauphin. The Burgundian party, called *Bourguignons*, and that of Orleans, long known by the name of *Armagnacs*, spread dissension and hostility over France. In the fierceness of the first contest, the king had been so thoroughly forgotten, that his dress, which had not been changed, was eat up by vermin and putrefaction. When they placed meat before him, he fell upon it with the gluttonous rage of a famished animal. Twelve well-armed men in masks were necessary to subdue his maniacal resistance to washing and shaving. On the

23d of November, 1407, after some appearances of a thin disguise of amity between the rival princes, the duke of Orleans, while at supper, received an invitation to attend the king. Dressed only in a gown of black damask, followed by two equerries mounted on the same horse, and by four footmen with torches, he went through the dark streets of Paris singing and playing with his glove. As they passed gaily by the town house of the maréchal des Rieux, a small party of armed men rushed out, and fell on the duke with cries of "Death!" He instantly fell under a shower of wounds. On the next day the royal family went to the church where the body lay. "Never," said the duke of Burgundy, looking on the corpse of his murdered relation, "never was a more wicked and treacherous murder contrived or executed in this kingdom." The duke of Burgundy was one of the pall-bearers at his cousin's funeral, and he was seen to shed tears. These princes had partaken of the sacrament together, in token of hearty reconciliation, two days before the assassination. The magistrates were on the point of tracing the assassins to the palace in which they had found refuge, when the duke of Burgundy, taking two princes to them, owned aside to them that, tempted and surprised by the devil, he had ordered the murder. *

On his return to his own dominions the duke not only avowed his crime, but procured one of the most learned divines of his age, John Petit, to justify it from the pulpit, on the general principle that it "was lawful, and even laudable, for any individual to kill a tyrant, or to employ any artifice or falsehood to lure the tyrant to destruction." The council of Constance afterwards condemned the proposition, but without daring to name either the murderer or the sophist. For the twelve years which followed, France was torn asunder by factions whose crimes had rendered their mutual animosity implacable, until the death of the duke of Orleans was avenged by the equally treacherous and barbarous murder of the

* Barante, Hist. des Ducs de Bourgogne, 80—90.

duke of Burgundy, at an interview with the dauphin in September, 1419, on the bridge over the Seine at Montereau. Both parties entered into clandestine negotiations with the king of England, who lay in wait for the best opportunity of aggrandising himself at the expense of his distracted neighbours; as if nations were only more numerous gangs of banditti, instead of being communities formed only for the observance and enforcement of justice.

On the 15th day of April, 1415, he assembled a great council at Westminster, to whom he announced his firm purpose of making a "voyage in his own proper person by the grace of God to recover his inheritance."* He appointed his brother the duke of Bedford lord lieutenant of the kingdom during his absence, and was about to embark for Normandy, when his voyage was for a moment interrupted by a sudden and rash conspiracy, of which, if it had any source but the vague turbulence of princes and barons, it is no longer possible to ascertain the motives or objects. The principal conspirator was Richard earl of Cambridge, whose children by his wife would inherit the claims of the house of Clarence, in case of the death without issue of her brother, the earl of March. He and Sir Thomas Grey were executed for this plot, in spite of the confession by which the former had laboured to disarm the king's resentment. The eve of a foreign war was a favourable opportunity for reviving the claims of the house of Mortimer, and Cambridge might have had sufficient reason to be assured that his reversionary interest in the succession was less uncertain than it appeared. Cambridge† charges March, probably at most his creature, with being the ringleader in a plot by which he was most to profit. He could hardly have been believed, for March sat among his judges.

As soon as Henry had landed in Normandy and took possession of Harfleur, he challenged the dauphin to meet

* Rymer, ix. 299.
† Confessio Comitis Cantabrig. Rymer, ix. 300.

him in single combat, in order to decide the contest for the crown of France.* Another form of the same species of trial for a time determined this momentous suit. Henry V. was now in circumstances very similar to those of Edward III. before the battle of Crecy. Both princes were to march from Lower Normandy to Calais. The French, who in both cases fought in their own country with an immense superiority of numbers, had only to defend the line of the river Somme, and, being masters of the time and place for action, were at liberty to adopt either a decisive or a dilatory system. Seized with a passion more chivalrous than soldierly, they thought fit to desire the king to choose his position and to name his day. Great numbers are formidable only in the hands of a general accustomed to wield them, and they require perfect habits of simultaneous movement and prompt obedience in soldiers. The French generals allowed their army to be cooped up in a ground so narrow as to prevent their vast numbers from conducing to victory, and to render them the means of converting a defeat into confusion and dispersion. "The condition of the English," says a celebrated writer, "was melancholy. In front was an army of three or four times their number: they were worn out by hard march: no retreat was open behind them, and victory seemed impossible." † Nothing was favourable to Henry but his own calmness; perhaps the coolness of his nation, and the inconsiderate impetuosity which has sometimes marred the brilliant valour of France. It is scarcely possible to doubt that the result of this famous battle must have been different if the two nations could have exchanged generals. It was fought near a village called by the French Azincourt, and by the English Agincourt, on the 28th day of October, 1415. The English bowmen, as usual, by the strength of their arms and the stoutness of their hearts, did much to ensure victory. As soon as they were within bow-shot, they discharged such showers of their strong arrows of three feet long, that the French knights

* Harfleur, Sept. 16. 1415. Rymer, ix. 313.
† Barante Hist. des Ducs de Bourgogne, 239.

bent down their beads to avoid them. That proud and gallant army, having almost rejected all plebeian aid, had no archers to oppose to the sturdy yeomen of England. The noble cavalry tried to break the English line by a charge. The ground was slippery. They were received with pikes: they fell back on their vanguard. The French were divided into small parties, who defended themselves with their wonted valour. But the defeat was not the less complete, nor the slaughter less tremendous.

A deplorable incident sullied the victory. The English soldiers had made many prisoners, the noblest of the French barons, whose ransoms were to enrich the fortunate adventurers. In the mean time a troop of peasants began to plunder the baggage; rumours of the advance of French reinforcements were spread, and Henry in an evil hour too hastily believed that the safety of his small army required the slaughter of his numerous prisoners. He commanded every man to put his prisoners to death. Seeing that the victors were indisposed to renounce the rich ransoms, he directed an officer at the head of two hundred men to execute the terrible command. The greater part of the noble prisoners were slain, mutilated, disfigured, mortally or painfully wounded, before it was discovered that the whole was a false alarm, to which Henry had lent too credulous an ear. He stopped the massacre, but too late for the purity of his name. It is hard to say whether it was palliation or an aggravation of his barbarous credulity that the number of prisoners, if we may believe Juvenal des Ursins, amounted to 14,000, which was not much less than that of Henry's army.

The consequences of the victory were decisive. The Burgundian party threw themselves into the arms of England. Isabella of Bavaria, the wife of the imbecile king, dissolute, vindictive, and ambitious, declared against her son the dauphin, and lent herself to every expedient for rendering her wretched husband the tool of foreign conquerors.

She delivered Paris and Tours to the invaders, forced the dauphin to retire to Poitiers, and assumed the quality

of regent of the kingdom. For two or three years Henry might seem to have lost the opportunity for availing himself of the victory of Agincourt. He employed a time which seemed irrecoverable in a complicated game of negotiation and intrigue with the French court and all its opponents, which produced no visible result. He probably, however, obtained by this delay his real ends. Had he immediately pursued his victory, all French parties might have joined against a conqueror. By a show of moderation, by an affectation of inactivity, by varying conditions of peace, all founded on the basis of the treaty of Bretigny, by secretly dealing with the chiefs of all factions, he kept up the general confusion which might make his intervention necessary. He fomented the animosity of the French leaders against each other; and he gradually inured the French nation to regard him as a prince who sought no more than an honourable peace, and who was insensibly led by fortunate accidents, or provoked by obstinate adversaries, to the more daring project of conquest. It may be justly added, that no conqueror so youthful as Henry was ever less intoxicated by victory; boldness, and caution were well balanced in his temper. At length, on the 21st of May, 1420, a treaty was concluded at Troyes, which promised to crown with final success the long-cherished pretensions of the house of Plantagenet on the throne of France. The principal articles stipulated for the marriage of the king of England to the princess Catharine of Valois; for the possession of the crown of France by Charles VI. during his life; for the administration of the government however (he being incapacitated by infirmity) by his beloved son, Henry king of England, to whom and to whose heirs for ever, after the demise of Charles, the crown and kingdom of France were to appertain.* All acts of authority were afterwards thus drawn: "By the king on the relation of the king of England, heir and regent of France." In speaking of Henry, the phantom king was made to call that monarch "our well

* Treaty of Troyes, Rymer, ix. 895.

beloved son the heir and regent of the kingdom;" while Charles his own son is spoken of as "Charles calling himself dauphin," and was declared guilty of high treason, by which his right of succession was forfeited; though he was not explicitly named by a sentence against all the perpetrators and abettors of the murder of the duke of Burgundy on the bridge of Montereau; a description which comprehended him as certainly as if he had been named.

As soon as the treaty was concluded the espousals of Henry and Catharine were solemnised at Troyes with more than the wonted magnificence. They soon after made their triumphant entry into Paris, and occupied the Louvre; while the shadow king, who followed in their train, was dismissed to an inferior palace. Henry assembled the states-general, who took the oaths to him, and swore to the observance of the treaty of Troyes.

The dauphin, who had succeeded to that ill-omened dignity on the death of two elder brothers, poisoned in two successive years by the depraved factions who contended for the spoils of an unhappy kingdom, became, at the age of eighteen, the only chief of a national party; and his name (for he had neither civil nor military talents) became the sole rallying point of the discomfited and disheartened lovers of their country. When the hopes of independence were at their lowest ebb, there arrived in France a small body of Scotchmen, amounting to about 7000, under John Stewart earl of Buchan *, the son of the regent of Scotland, who enabled the maréchal de la Fayette to defeat an English army, commanded by the duke of Clarence in person at Bauge in Anjou, on the 22d March, 1422. Sir John Swinton, a Scottish knight of distinguished prowess, gave a severe

* Buchan. Rer. Scotic. lib. x.

This seasonable succour, under Buchan, originally perhaps gave occasion to the boast of the same great man.

"Tu licet ex illa numeres ætate triumphos,
Et conjuratum cunctis e partibus orbem
Nominis ad Franci exitium, sine milite Scoto
Nulla unquam Francis fulsit victoria castris."
Buch. Epithal. Franc. Valcs. et Mariæ Stuartæ.

wound in the face to the English prince. Buchan beat him from his horse by a club, and was rewarded by the dignity of constable of France. Clarence was trampled to death. Buchan prevailed on his father-in-law, the earl of Douglas, to lead a band of followers into France, where that puissant lord was soon after made duke of Touraine; but where, also, both he and Buchan were killed in 1424.* The advantage obtained over the English troops at Bauge recalled Henry from England, where his young queen was delivered at Windsor of her sole and unfortunate child of royal lineage. After her recovery she followed her husband to Paris, where she was not to see him long. Finding himself seized by a perilous malady in the end of August, 1422, he caused himself to be transported to the castle of Vincennes, where he commanded the dukes of Bedford and Exeter, with other great English lords then in France, to attend his death-bed. He declared to them (he had, perhaps, persuaded himself) that he looked back with calmness on the bloodshed of wars forced on him by unreasonable antagonists. Seeing his friends touched by a spectacle which brought triumph and death so near to each other, he comforted them, says an ancient writer, with grave, courteous, and pithy words; exhorting them to be trusty and faithful to his son, and to keep peace and amity among themselves during the minority. He advised them to make no peace with Charles calling himself dauphin of Vienne, which did not stipulate for his surrender of the crown of France, or at worst of the duchies of Normandy and Aquitaine, in full sovereignty. He dissuaded them from the release of the duke of Orleans and the other prisoners of Agincourt, till the majority of the king. Orleans was, in fact, detained in captivity for twenty-five years.†

He expressed his wish that his brother the duke of Gloucester might be protector of England, and that his brother the duke of Bedford, with the advice of the duke of Burgundy, should be regent of France. And

* Douglas Peerage, i. 266. † Paston Letters.

he again solemnly declared, that, before the beginning of his wars, he was fully persuaded by wise and holy men that he might justly and rightly follow them, without the danger of God's displeasure. His noble hearers assured him, amidst sighs and tears, of their reverence and adherence to his dying commands; and being told by a physician that he had no more than two hours to live, he directed his chaplains to chant the seven penitential psalms, and in the midst of the performance of these sacred rites, he calmly breathed his last, at Vincennes, on the 31st of August, 1422. In two months more he was followed to the grave by the unhappy lunatic, who was still termed king of France. His death at that critical moment happily deprived the foreign rulers of all shadow of French authority. Not a prince of his own blood attended his funeral. On the interment of Isabella his widow, some years after, her corpse was thrown into a wherry, and rowed to St. Denis by a few hired attendants, with no more ceremonial than that of a Parisian tradeswoman. The remains of the victorious Henry were interred at Westminster with unwonted pomp, amidst the undue and unreasonable regrets of a populace drunk with victory; but with two mourners,—James, king of Scotland, and Edmund Mortimer, earl of March, — the sincerity of whose sorrow it is not uncandid to doubt.

HENRY VI.

TO THE APPROACH OF THE CIVIL WAR.

1422—1452.

The long reign of Henry VI. comprehends two distinct portions, which have little resemblance in their character, and not much more connection with each other than through the tie which necessarily joins contemporary occurrences in neighbouring countries. The first is the

history of the calamitous progress and ignominious failure of the second war for the establishment of the Plantagenets in France, conducted by Henry V. with a splendour of success which hid its impolicy and iniquity from the elated multitude. This part is altogether foreign, and rather, indeed, belonging to the history of France. It extends throughout the first thirty years, which are called the reign, of this prince, who was as imbecile in mature years as in the tenderest infancy. It is a curious peculiarity of this contest for the sovereignty of one of the greatest at civilised monarchies, that both the competitors were in truth inactive and insignificant bystanders at the struggle which was to determine the pomp of their titles, and the boundary of dominions in their hands barely nominal. With a brief narrative of the events of this quarrel it is intended to conclude the present volume; reserving for the opening of another those transactions of a very different nature which form the internal history of England till the extinction of the house of Plantagenet.

When Henry VI. was proclaimed king of France as well as of England, at the age of nine months, the western and northern provinces of that great kingdom were held in his name; Paris, the accustomed seat of power and justice, owned his sway; and the closest alliance with the duke of Burgundy threw all the resources of his opulent territories into this scale. The central districts, the south-eastern, and even the southern as far as the line which separated Languedoc from Gascony, adhered to the cause of the dauphin, whom, as he was finally successful, it is convenient henceforward to call Charles VII. Generally, the countries between the Loire and the Seine were the theatre of the most active warfare.

During the seven years which followed the accession of the infant king, the fortune of the English arms was generally prevalent. At the battle of Verneuil, in 1424, the French army was defeated so signally that it was compared to the victories of Crecy, of Poitiers, and of

Agincourt. The Scotch auxiliaries were, on that day, cut to pieces, under their leaders of proud name,—the Stuarts and Douglases,—to the satisfaction, as it is said, of the French, whom they had come to help; but who, like other nations in such circumstances, were oppressed as cruelly by their lawless allies as by their open enemies. Every part of the country was, during this period, the daily scene of skirmishes, inroads, towns stormed, villages burnt. "France to the north of the Loire had become one vast solitude; the country was deserted, and there were no men but in forests or fortresses; even the cities were rather quarters for soldiers than dwelling-places of the inhabitants. The cultivation of the soil was abandoned, except around the walls, under the ramparts, and within sight of the sentinel in his tower. As soon as an enemy was discovered the alarm bells were rung, the labourers flew into the town; the very cattle had learnt a sort of instinct which taught them to take to flight. Theft and robbery were of necessity the only occupation of houseless wretches." * Still, as hostilities were not urged with that unceasing and overwhelming vigour which treads out every spark of revolt, time was lending its accustomed though scarcely perceived aid to those who clung with unconquerable attachment to the defence of their country. It is not easy to account for the languor of the English campaigns. Jealousies among the princes, intrigues among ministers,—the common occurrences on such occasions,—contributed doubtless the common share. It has besides often and most happily occurred that conquerors of the most vigilant and vigorous character suffer themselves to be lulled into supineness by the undisturbed possession of a capital, of the ensigns of authority, and of the solemnities of law; looking with contempt on the bands who preserve the national spirit, till these gallant men spread their own patriotism among a people.

The French people naturally, and indeed justly, imputed all their calamities to the foreign invaders; whose

* Barante, iv. 204.

deportment in other countries than their own has, it must be owned, been in general more just than kind. Resentment against them gradually spread to the highest and the lowest classes of the community. The affairs of Charles VII. wore, perhaps, their gloomiest aspect when the English laid siege to Orleans, in 1428. A spark of national feeling was then struck out, which showed the susceptible condition of the general temper. Jeanne d'Arc, the daughter of a peasant at Domremy, in Lorraine, beautiful, innocent, pious, modest, laborious, had been from her childhood devoted to the severest observances, and to the most mysterious meditations of religion, such as are cherished by a young female full of sensibility, amidst the lonely occupation of a district of mountains and forests. Her own fellow villagers were zealous royalists. The neighbouring village was so Burgundian that a sort of civil war prevailed between them. She had long told her parents of admonitions which she believed had come from heaven, and which they and all their neighbours had no difficulty in believing to flow from the same source. She was more than once enjoined by "her voices," or, as she sometimes said, "by the king of heaven," to undertake the delivery of her king and country, whose last hopes seemed now to hang on the fate of Orleans. That fortress held out with such desperate valour as to be the theme of every tongue, and deeply to move every truly French heart. The poor maiden of Domreny gained time to surmount the obstacles which seemed to render it impossible that she should ever deliver to Charles VII. her message from heaven. She forced her way through them into his presence, and obtained from him a party of troops, at the head of whom she was to throw herself into Orleans;—with no neglect, we may presume, of those human precautions in the choice of experienced soldiers to guard, and skilful officers to counsel her, which might be reasonably numbered among the conditions of the miraculous aid. All were alike believers in such supernatural succours. But all were also convinced that they might

come either from the God of Truth, or from the Prince of Darkness. The theologians of Charles at Poitiers said, that her offer was lawful: and what, indeed, could have been a purer object for the exercise of divine power, than the delivery of France by the spotless hand of a chaste and devout maiden? She made her way into the besieged city, mounted on a white horse, and with the veteran Dunois by her side. The troops, in the first fervour of their enthusiasm, attacked the works of the besiegers. She was so grievously wounded that it was necessary to carry her from the field: her disappearance spread a general panic; till she, compelling her friends to place her on horseback, advanced with her standard, which again terrified the enemy and reanimated the French troops. The English army, which had besieged the town from the 12th of October, 1428, now raised the siege on the 8th of May, 1429, — actuated by terrors from which the bravest men are not exempted by their courage; by terrors as strongly felt by Talbot and Chandos as by the lowest hind in their army. She then intreated the king to go with her to be consecrated at Rheims. The danger was great, and the suggestion at first rejected. But the importance both of the consecration and of the courageous expedition which it required, in the eyes of the people at large, was clearly evinced by the earnest prayers of the good maiden, whose simple heart partook every movement of popular feeling.

After having witnessed a defeat of the English at Patay, in which Talbot himself was made prisoner, she had the happiness, on the 17th of July, 1430, to see Charles VII. consecrated in the cathedral of Rheims. She entreated permission to retire to her native village, but her presence served so much to animate the troops that her prayer was rejected. She obtained for the two villages of Greux and Domreny an exemption from taxes, which they enjoyed till all public imposts were equalised in 1789. On the 25th of May, 1430, she was made prisoner by a detachment of the allied army near Com-

peigne. However imperfect the security of prisoners of war still continued to be, it is certain that the maiden was received to quarter by Dunois, the officer to whom she surrendered; nor was she then, or afterwards, charged with any breaches of the laws and usages of war which could subject her to the jurisdiction of a military tribunal. During several months of her close imprisonment at Rouen her powerful enemies sought for charges against her, but, as it should seem from their subsequent accusations, in vain. The prelates and doctors who were the creatures of her accusers could extract from the narratives of her worst enemies no more than that "she had lightly or presumptuously believed revelations or apparitions, undoubtedly proceeding from the evil spirit; that she had blasphemed against God, by imputing to him a command that she should wear man's apparel; and that, inasmuch as she refused to submit to the church, she was a heretic."

The ecclesiastical tribunal pronounced sentence that she should be cut off from the church as a corrupt member, and delivered over to secular justice. A recommendation to the lay judges was, as always, subjoined, that they should moderate the punishment as far as it extended to life or limb. She was for a moment betrayed by the craft and subtlety of her adversaries into an abjuration. But, on the 30th of December, 1430, after the cardinal of Winchester had announced those tender mercies of his church which were so cruel, saying to her, "Joan! go in peace, the church can no longer defend thee; she delivers thee over to the secular arm!" she was dragged to the scaffold and committed to the flames. A proclamation * against the deserters, who, appalled by the terrors of the virtuous maiden, had fled from their standards, revealed the base motive of these cruelties against her. Henry himself declared that the death of lord Salisbury and the defeat at Orleans "were caused in great part by the unlawful doubt that they had of a disciple and limb of the fiend called the Pucelle,

* Rymer, x. 472. December, 1430.

who used false enchantments and sorcery." * It is true that her accusers and all others then believed in the reality of sorcery; and the most important lesson taught by the event is the value of that knowledge, the fruit of free enquiry and fearless reflection, which has banished such imaginary crimes from the civilised world. But her accusers were unable (for assuredly they were not unwilling) to produce such proofs of the pretended offence, as would in other cases have been required even by themselves. Having by artifice and fraud involved her in a capital charge, they proceeded, under the abused formalities of law, to destroy the deliverer of her country. It must, however, be owned that the abominable practice of convicting culprits for one offence, in order to put them to death for other causes, still lingers in the administration of criminal justice among the most civilised nations.

While the spirit of the French people thus manifested itself in the heroine, the duke of Burgundy, the original conspirator against the independence of France, began to be slowly weaned from its apostasy. Bedford dreaded the aggrandisement of so formidable an ally. The duke of Burgundy disliked the foreign regent who stood in his way.

The capricious amours of one of the most giddy and self-indulgent of princesses early sowed the seeds of distrust between the Plantagenets and the duke of Burgundy. Jacqueline countess of Holland, Friesland, Zealand, and Hainault, whose inheritance extended from Westphalia to Picardy, over provinces already important from traffic and seamanship, had no issue by her first husband, John, the elder brother of Charles VII. Married a second time to her cousin the duke of Brabant, she soon grew weary of him, and professed scruples about the validity of a marriage within the degrees forbidden by the church. Without waiting a sentence of nullity from Rome, she made her escape into England, where she found Humphrey duke of Gloucester as eager

* Rym. x. 408. Henry's English Letter.

to master her dominions as she was to be united to his person.

The duke of Burgundy, who was the duke of Brabant's next heir, was displeased at the chance of losing so fair a prize. Though Henry V. and the duke of Bedford regretted and withstood the unseasonable ambition of Gloucester, which threatened to embroil them with the most valuable of their allies; and though Gloucester, who, like Jacqueline, was inconstant as well as impatient, had treated their irregular marriage as a nullity, by espousing his beautiful mistress Elinor Cobham; yet the passions of the unsteady and adventurous Jacqueline in no small degree contributed to the alienation of Burgundy from the Plantagenet party. In 1431, Henry VI. was led in mournful triumph into Paris, where he was consecrated by an English prelate the monarch of unwilling subjects. The death, in October 1435, of the duke of Bedford, a prince of remarkable ability, prudence, and moderation, abated the confidence of continental governments in alliance with England; and especially that of the court of Burgundy, influenced by the known ascendant of his duchess, a Burgundian princess, in his councils. At the same time a congress, to treat of a general peace, was assembled at Arras under the mediation of the Holy See. The French insisted on a renunciation of their crown as a preliminary condition. The English minister quitted the congress, protesting against such demands. The government of Burgundy cannot be charged with indecent haste towards allies to whom the Burgundian policy had for years been a sufficient warning that Philip must at length provide for the peace and safety of his own dominions. In December, 1435, he accordingly concluded a separate peace with France *, of which the principal articles regulated the satisfaction and reparation due for the murder of the late duke of Burgundy on the bridge of Montereau; which, says the treaty, "the king would have withstood to the utmost of his power, if he had

* Dumont, Corps Diplomatique, ii. Pars 2. p. 309.

possessed the same understanding and knowledge which he now enjoys." The duke was exempt from vassalage during his own life and that of the king. The counties of Maçon and Auxerre, together with the towns of Peronne, Roye, and Montdidier, were ceded to Philip. It was agreed that the king should never treat with the English without the duke's consent, and that the king should succour him, if attacked by that nation on account of the treaty now concluded. But whatever specious language of neutrality, or even of friendship, towards England was employed in this negotiation, it was manifest that Philip could not long continue neutral. He shortly after declared war against Henry. After several actions, in which the invaders were worsted at the gates of Paris, lord Willoughby, who commanded the garrison of that capital, was obliged to throw himself, with a handful of soldiers, into "the Bastile (or building) of St. Antony, which, like the Tower of London, was in successive ages used as a palace, a citadel, and a state prison. Here he could hold out no considerable time. He was suffered to march out on the 13th of April, 1436, and Paris was once more restored to her native masters, after a possession of seventeen years by obnoxious foreigners.

Charles had hitherto made no demonstrations against Aquitaine. The English appeared now to limit their hopes in the north to Normandy and Calais. The duke of York, the son of Richard earl of Cambridge beheaded at Southampton in 1415, united in his person, after the extinction of the Mortimers, the hereditary pretensions of the house of Clarence. On the death of the duke of Bedford, the king appointed his formidable kinsman York to the regency of France, perhaps for the purpose of giving the appearance of a unanimous contest of all English parties for national honour to the struggle still vainly maintained in France. The French offered to cede Normandy and Guienne as fiefs of the crown of France; but the arrogance of the victors was not yet quite tamed. In the years 1498 and 1499, Normandy,

which the Plantagenets had never ceased to look at as their patrimony, was wrested from them; and in 1451, even the Gascon and Pyrenean provinces, alienated from Paris by language, and united to it by no habits of common obedience, were reduced under the sway of the house of Valois. The people of Guienne showed a desire of obtaining English succour. Talbot, the most renowned of Henry's captains, and perhaps the only laurelled head remaining of those from whom the glory of Agincourt was derived, was sent to Bordeaux to their help in the eightieth year of his age. A gleam of fame seemed to light up the brow of the aged hero; but though deserted by his ancient fortune as a commander, he died at the battle of Chatillon like a brave soldier.

Thus closed the second war of the Plantagenets to re-establish themselves in France: the contest had, in some degree, been waged for a century; and with it happily ended all English projects of territorial aggrandisement on the continent of Europe; the success of which must have thrown a power into the hands of English monarchs altogether irreconcilable with liberty,—the peculiar and characteristic glory of England, the inestimable distinction between her and other nations, the source of her greatness, the school of her virtues, and the nursery of her genius.

A historian who rests for a little space between the termination of the Plantagenet wars in France, and the commencement of the civil wars of the two branches of that family in England, may naturally look around him, reviewing some of the more important events which had passed, and casting his eye onward to the then unmarked preparations for the mighty mutations which were to affect the relations of states towards each other, their internal rule and condition, and to produce an influence on the character and lot of the European and even of the human race.

A very few particulars only can be selected as specimens from so vast a mass.

The foundations of the *political* system of the European

commonwealth were now laid. A glance over the map of Europe in 1453 will satisfy an observer that the territories of different nations were then fast approaching to the shape and extent which they retain at this day. The English islanders had only one town of the Continent remaining in their hands. The Mahometans of Spain were on the eve of being reduced under the Christian authority. Italy had, indeed, lost her liberty, but had escaped the ignominy of a foreign yoke. Muscovy was emerging from the long domination of the Tatars. Venice, Hungary, and Poland, three states now placed under foreign masters, then guarded the eastern frontier of Christendom against the Ottoman barbarians, whom the absence of foresight, of mutual confidence, and a disregard of safety and honour which disgraced western governments, had just suffered to master Constantinople and to subjugate the eastern Christians. France had consolidated the greater part of her central and commanding territories. In the transfer of the Netherlands to the house of Austria originated the French jealousy of that power, then rising into importance in south-eastern Germany. The empire was daily becoming a looser confederacy under a nominal ruler whose small remains of authority every day contributed to lessen.

The internal or *constitutional* history of the European nations threatened in almost every Continental country the fatal establishment of absolute monarchy, from which the free and generous spirit of the northern barbarians did not protect their degenerate posterity. In the Netherlands, an ancient gentry, and burghers enriched by traffic, held their still limited princes in check. In Switzerland, the patricians of a few towns, together with the gallant peasantry of the Alpine valleys, escaped a master. But parliaments and diets, states-general and cortez, were gradually disappearing from view, or reduced from august assemblies to insignificant formalities, and Europe seemed on the eve of exhibiting nothing to the disgusted eye but the dead uniformity of imbecile despotism, dissolute courts, and cruelly oppressed nations.

In the mean time the almost unobserved advancement and diffusion of knowledge were paving the way for discoveries, of which the high results will be contemplated only by unborn ages. The mariner's compass had conducted the Portuguese to distant points on the coast of Africa, and was about to lead them through the unploughed ocean to the famous regions of the East. Civilised men, hitherto cooped up on the shores of the Mediterranean and the Atlantic, now visited the whole of their subject planet, and became its more undisputed sovereigns. The man* was then born, who, with two undecked boats and one frail sloop, containing with difficulty a hundred and twenty persons, dared to stretch across an unpassed ocean, which had hitherto bounded the imaginations as well as the enterprises of men; and who, instead of that India renowned in legend and in story, of which he was in quest, laid open a new world, which under the hands of the European race was one day to produce governments, laws, manners, modes of civilisation, and states of society, almost as different as its native plants and animals from those of ancient Europe. Who could then—who can even now—foresee all the prodigious effects of these discoveries on the fortunes of mankind?

The moment was fast approaching, though unseen by civil and spiritual rulers, when a Saxon monk was to proclaim (without his own knowledge and against his opinions) the right of every man to think for himself on all subjects, the increasing duty of exercising that right in proportion to the sacredness and awfulness of the subject, the injustice and tyranny of all laws which forbid men to aid their judgment by discussion, and to disclose to others what they prized as invaluable truths. The discovery of the free exercise of reason, thus unconsciously and undesignedly made, was the parent of every other invention and improvement; but it could not have been, perhaps, effected at that time without another occurrence, which strikingly illustrates the contrast between

* Columbus, born 1441, or earlier according to Mr. W. Irving.

the lasting and the momentary importance of the facts which affect the temporary greatness of single states, and those advances in civilisation in which the whole race of man partakes.

Paris, as has already been stated, was evacuated by the English in 1435. The conquest of Bayonne, in 1453, completed their expulsion from France. Few events could then have been deemed of more moment. Had statesmen been as voluminous writers as they now are, their correspondence could scarcely have handled any other matters. Of these events, thus once momentous, a well-educated man might now mistake the date to the extent of ten or twenty years. In the very year of the evacuation of Paris, as we learn from the records of the city of Strasburg, a lawsuit was carried on there between John Gutenberg, a gentleman of Mentz, celebrated for mechanical ingenuity, and Drizehn, a burgher of the city, who was his partner in a copying machine, of which Gutenberg reserved to himself the secret of the contrivance. No litigation could seem more base and mechanical to the barbarous barons of Suabia and Alsace. But the copying machine was the printing-press, which has changed the condition of mankind. The single and very simple operation of Gutenberg's invention in reducing the price of books, has augmented tenfold the mass of reason employed in human pursuits, and multiplied, beyond the possibility of calculation, the chances of active genius and wisdom.

NOTE

ON THE SUPPOSED RESIDENCE OF RICHARD II. IN SCOTLAND AFTER HIS DEPOSITION.

The account of Richard II.'s escape into Scotland, where he is said to have survived twenty years, has lately been revived with such ingenuity by Mr. Fraser Tytler, in his valuable work on Scottish history, as to require a short statement of my reasons for adhering to the common narrative. The new evidence on which Mr. Tytler relies consists in charges made by the regent of Scotland for the expense of the king of England. My reasons are,

I. A long-continued fraud of this sort is with difficulty supposable, even in the case of a prince known only in his infancy within the narrow circle of a court, and produced to the public after an interval of many years; but what room for doubt could have existed respecting Richard II. at the time of his deposition, after a reign of twenty-two years, in which his person was perfectly known to the nobility and people of France, Scotland, and Ireland, as well as England?

II. The declaration of Scroop archbishop of York, that Richard was put to death at Pontefract, published within a few miles of that place, and within about two years of the time, is evidence, which, being then uncontradicted, is to us of the highest order.

III. The government of Scotland supported the revolts of the Piercies and of Owen Glendower. Could that government have omitted all mention in their public acts of their being the friends and allies of the lawful monarch of England?

IV. The earl of Northumberland, who was beheaded in 1406, took refuge in Scotland, and was long sheltered there. Is it credible that he should not have ascertained beyond all doubt whether his late master was alive in that country?

V. Isabella of France, who had been affianced to Richard II. in her infancy, married Charles duke of Orleans in 1406, and died, in childbed, in 1409; — a tolerable presumption that her family had sufficient assurance of Richard's death, twelve years before the time assigned to it by the Scotch tradition.

VI. An intercepted letter from Northumberland to the duke of Orleans, in 1405, is still extant (Rot. Parl. iii. 605.), in which that nobleman declared his object to be, "to maintain the right of my sovereign lord king Richard, if he be alive; and if he be dead, to avenge his death." Was it possible that Northumberland could then really be in that state of doubt which his language intimates? His letter, on the contrary, seems to me to manifest

his certain knowledge of the king's death, consistently with his own manifesto and Scroop's accusation; which did not, however, hinder him from endeavouring to show that he had a good cause of war on every possible supposition; and that his enterprise was not unlawful, whatever rumours of the king's life or death might be credited. If any person still cherished a belief of Richard's life, it was a cheap courtesy to them to mention the restoration as, in that alternative, his object. If Northumberland had thought Richard living, he could not have decently proposed the alternative, were he so disposed.

No doubt can be entertained that Richard was at first believed to be alive in Scotland. That a man who was called Richard was represented as living there at the accession of Henry VI. is apparent from Rymer. That he originally personated the king, and deceived some individuals, is also probable. But, besides other difficulties, it may be concluded, from *the total absence of minute and circumstantial statement of the manner of escape, and the place of residence, and of all other smaller facts of which there could not fail to be some remaining intimation if the person were the true Richard*, that he was soon detected, though the name or nickname of king Richard might be suffered to be applied to him.

END OF THE FIRST VOLUME.

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